S
342
C1t
V.1

TRANSCRIPT OF PROCEEDINGS

MONTANA CONSTITUTIONAL CONVENTION

ORGANIZATIONAL SESSION

November 29, 30, 1971

December 1, 1971

Volume I

Convention Hall

State Capitol

Helena, Montana

MORNING SESSION

November 29, 1971 10:00 o'clock a.m.

CHAIRMAN BLEWETT: The proceedings will now commence, ladies and gentlemen.

Before we get into the formal program, I have been asked to make an announcement. If by chance any delegate desires to speak or to be heard on any matter during these proceedings, and particularly in the subsequent proceedings, be certain that you state your name and district from which you come. This is necessary in order for the proper record.

Ladies and gentlemen, we come to the point of an historic occasion in the State of Montana, the beginning of the Constitutional Convention.

I would like at this time to appoint a committee from the Constitutional Preparatory Commission members to escort into this Chamber our distinguished guests. At this time, I would like to appoint Clyde Hawks, Chairman, Leonard Schulz, Bruce Toole, Charles Harrington, Randall Swanberg and Clyde Rader. Would those gentlemen kindly escort the distinguished guests into this Chamber?

Ladies and gentlemen, while we are waiting for the escort group, I also would like to appoint at this time a committee from the Commission members to notify Governor Anderson that we would like to have him attend the Chamber,

and I now appoint those members: Eugene Mahoney, Chairman, Jack Brenner, Arthur Hagenston, Charles Bovey and Eugene Phillips. Would those gentlemen kindly now escort the Governor to this Chamber?

Is the Escort Committee ready to proceed with the guests?

MR. HAWKS: Yes, Mr. Chairman.

CHAIRMAN BLEWETT: Would the Escort Committee kindly lead our distinguished guests into the Chamber?

All rise.

(Whereupon, the distinguished guests were escorted to the front of the Chamber by the appointed committee.)

CHAIRMAN BLEWETT: Will the next Escort Committee kindly proceed?

Will the next Escort Committee proceed please?

Ladies and gentlemen, will you kindly remain standing while the Escort Committee proceeds with the escorting of our distinguished guests?

Now, the First Lady of the State of Montana, Evelyn Anderson.

Now, the Honorable Forrest H. Anderson, Governor of the State of Montana.

Will the Escort Committee kindly escort the Governor to the Chair?

(Whereupon, the Governor was escorted to the Chair

by the appointed committee.)

CHAIRMAN BLEWETT: Governor Anderson, I have the honor and the privilege of presenting to you at this time the pen and the gavel used by William Andrews Clark, presiding in the Constitutional Convention of 1889. I would therefore, at this time, like to present to you officially the 1889 gavel so that you may officially open this 1971, 1972 Constitutional Convention.

GOVERNOR ANDERSON: Thank you, Mr. Blewett.

The hour appointed by the Montana State Legislature having arrived for the convening of the Montana Constitutional Convention, I do accordingly, as Governor of this State, call the Convention to order.

For the purposes of organization, I appoint as Temporary Secretary, Mr. Walter Marshall; as Temporary Sergeant-at-Arms, Mr. Roger Barber; as Temporary Reporter, Mrs. Virginia Waterman; as Temporary Parliamentarian, Mrs. Phyllis Baden, and as Temporary Journal Clerk, Mrs. Rosemary Acher.

It is appropriate that those to whom so much has been entrusted by our voters call upon God for the guidance at the outset of their task. It is my privilege at this time to present Pastor Lionel B. Simonson, who will offer the invocatory prayer.

Mr. Simonson.

PASTOR SIMONSON: Almighty eternal God of truth and of mercy, in earnest prayer, we ask Your blessing upon this Constitutional Convention, upon its Delegates, upon its deliberations, upon its decisions. Oh God, ruler over all things, You are a tender father. You desire the lasting walfare, as well as the eternal happiness of your children. You have wisdom and goodness. You have given us a land to live in, in which people, through their freely elected representatives and their freely designed laws, are the source of governmental authority in their midst. For these institutions, by which ours is a government of the people, and by the people, and for the people, we thank You, oh God.

We thank you for each one of these one hundred Delegates and for their willingness to enter this arena to work at this historic task with the talents, the energies, the experiences and the convictions given them. We ask of You to bring their united efforts to flourition in a truly good Constitution for our beloved State.

Bless and inspire these men and women, oh God, with all that they need to do a good job, a job pleasing in Your sight, a job that is beneficial to all the people of our generation and of generations to come. Give them, oh Father, a great measure of wisdom and of mutual respect, of patience and faith and courage to build one another up

in a common endeavor to serve Your purposes. Help them to be alert both to their own deepest convictions, as well as to the fundamental needs of people in these times, but above all, oh God, keep them alert to Your guidance, to Your yearning for the earthly well being of Your children.

Even as we pray for this Convention and its Delegates, oh God, so too we ask for Your blessing upon all the people of our State, inspire many, many people to uphold these men and women in feverent prayer so that these Delegates may do their work in the confidence that many God-fearing people are praying for them.

We ask You, oh God, to bless this Convention in its quest to formulate a Constitution that will help us to establish justice, to insure domestic tranquility, that will help us to promote the general welfare of all people and to secure the blessings of liberty and opportunity for ourselves and for our posterity. These petitions, oh God, we offer in the name of Jesus Christ, Your son, our Savior. Amen.

GOVERNOR ANDERSON: Mr. Blewett, we will now have the posting of the colors.

CHAIRMAN BLEWETT: Will you kindly remain standing while we have the posting of the colors, led by Major Liston of the Montana National Guard.

Mr. Liston.

MAJOR LISTON: Color Guard, prepare to post the colors...

(Whereupon there was the posting of the colors by the Montana National Guard.)

CHAIRMAN BLEWETT: Ladies and gentlemen, join me in the Pledge of Allegiance to our Flag...

We will now sing the National Anthem...

Thank you, Major Liston, and your grand staff.

Will you now all be seated?

Ladies and gentlemen, it is now my privilege and again my pleasure to introduce to all of you present those distinguished guests who have heretofore been escorted to this Chamber.

Our first guest to be introduced is a man who gave us the pleasure of his remarks at the banquet last evening, Mr. Samuel Whitwer, President of the 1969-1970 Illinois Constitutional Convention. Mr. Samuel Whitwer. Thank you again for joining us.

Next, our elected state officials. The Honorable Lieutenant Governor, Thomas Judge. The Honorable Robert Woodahl, Attorney General. The Honorable Frank Murray, Secretary of State. The Honorable Dolores Colburg, Superintendent of Public Instruction. The Honorable Alex Stephenson, State Treasurer. The Honorable Lou Boedecker, Railroad and Public Service Commission, and I haven't yet

seen Ernest Steel. I don't know whether he made it. Did he make it, Lou?

COMMISSIONER BOEDECKER: No.

CHAIRMAN BLEWETT: Next, our Supreme Court Justices. The Honorable Chief Justice James T. Harrison. The Honorable Associate Justice Wesley Castles. The Honorable John Harrison, Associate Justice. The Honorable Gene Daly, Associate Justice. The Honorable Frank Haswell, Associate Justice. The Honorable Thomas J. Kearney, Clerk of the Supreme Court.

And, ladies and gentlemen, from our Legislative leadership, the Honorable Dick Dzivi, Senate Majority Leader; the Honorable Bill Mathers, Senate Minority Leader; the Honorable James Lucas, Speaker of the House; the Honorable James T. Harrison, Jr., House Majority Leader; and in the absence of Bill Christiansen, House Minority Leader, who was unable to be present, I present Representative Larry Fasbender.

Thank you very much, Governor Anderson.

GOVERNOR ANDERSON: Thank you, Mr. Blewett.

Mr. Blewett, distinguished state officials, at this time, I have a golden opportunity to address what I think is one of the great meetings in this century for Montana.

The Constitutional Convention will re-establish the foundation of law for the government in this State. I

believe that this is a profound expression of our fundamental belief in self-government. The people of Montana called this Convention, they elected you as Delegates, and they will ultimately approve or reject the constitution you write.

A properly written constitution will define the structure and responsibilities of government and provide for the protection of the rights of the people of this State. Many generations of Montanans not yet born will live under these laws if you do your job well.

Constant change and the emergence of new ideas and beliefs will challenge the wisdom of your efforts. And each of you will leave a mark forever on the history of Montana. But more importantly, you have an opportunity to initiate a new history---a history of dynamic and responsive State Government.

Montana's present Constitution is an expression of the distrust in government that was prevalent when it was written in 1889. It imposes strict limitations on the exercise of the powers of government---legislative, executive and judicial. It is burdened with accumulated statutory detail. And it restricts and confuses the capability of State Government to respond to the rapidly changing problems of modern society.

I do not believe, however, that the entire

Constitution should be stricken. Because there are sections which are enduring statements of the rights of individuals and precise definitions of the responsibilities of State Government.

I believe the revision of the Montana Constitution must accomplish four essential objectives:

It must establish the structures and responsibilities of State and local government.

It must guarantee the rights of the individual in this State.

It must free State Government from the strictures that shackle us to the past.

And it must allow us to move freely into the future.

In this century, the balance of power within the American Federal System has been distorted. The states have failed to act---too often because of constitutional restrictions---and the Federal Government has been forced to exercise the needed authority.

This has occurred in Montana and every other State in the Union. And if the decline of the States within the National System continues, they will become nothing more than Federal subdivisions. We must not allow this to happen.

There are going to be changes in this State in the coming years. We cannot expect Montana to remain as it is

forever.

If this Convention does not revitalize our State Government and give it the authority to act and solve problems, it may be one step further in the decline of the Federal System and the destiny of Montana will be decided in Washington, D.C.

The people have demonstrated that we are willing and able to solve our problems.

Those who came before us changed a wilderness into a State. We have fought to lift this State up from its colonial status in the national economy. We are working to preserve our unequalled environment. We have undertaken many programs to improve our State and local governments. We are now beginning the task of revising our State Constitution. And by these acts---and others---Montanans are saying that they will not forfeit their right to determine the necessary policies for the right to govern.

The purpose of the Constitutional Convention is to write a document that will be the basis and the inspiration of a dynamic and responsive State Government. And the timeless wisdom of the National Constitution should be the inspiration for the document you write.

Like the national prototype, our Constitution must not include extraneous statutory provisions that are

properly within the jurisdiction of the Legislature. And like the national prototype, our Constitution must be a statement of your faith and the belief that good and decent men and women will govern this State in the coming years.

You should not be afraid to include new and progressive ideas in the Constitution. Passage of the Referendum calling for this Convention, Executive Reorganization, and the nineteen-year old vote are proof that the people of Montana recognize the need for change. And if a proposal is good, it will be approved by the people.

There are those who consider this Constitutional Convention to be an extension of the legislative process. And they would make it the responsibility of this Assembly to decide issues of present importance---now and forever---I believe if this is allowed to happen, the intent of the Constitution will be compromised and its hope of success will be destroyed.

You are here to write a constitution---not a body of statutes. And this document must withstand the seasons of history---not just the climate of current opinion.

I wish you well...

Thank you very much.

Now, ladies and gentlemen, I call upon the Honorable Eugene Mahoney, Vice-Chairman of the Montana Constitutional Convention Commission, to call the roll of the Delegates

elect. Mr. Mahoney.

MR. MAHONEY: The following is the true and correct roster, by District, of the Delegates elect to the 1971-1972 Constitutional Convention of the State of Montana as compiled by the Secretary of State in accordance with the Constitutional Convention Enabling Act.

As your name is called, please rise and answer present and remain standing.

District No. 1:

Torrey B. Johnson...Present.

Catherine Pemberton...Present.

District No. 2:

Bruce M. Brown...Present

Lyman W. Choate...Present.

District No. 3:

Oscar L. Anderson...Present.

C. Louise Cross...Present.

Otto T. Habedank...Present.

Russell C. McDonough...Present.

District No. 4:

Magnus Aasheim...Present

Mark Etchart...Present.

Gene Harbaugh...Present.

Roger A. Wagner...Present.

District No. 5:

Lloyd Barnard...Present.

Leslie "Joe" Eskildsen...Present.

District No. 6:

A. W. Kamhoot...Present.

Archie O. Wilson...Present.

District No. 7:

John H. Leuthold...Present.

Richard A. Nutting...Present.

District No. 8:

Chet Blaylock...Present.

Jean M. Bowman...Present.

Jerome J. Cate...Present.

Max Conover...Present.

Dave Drum...Present.

James R. Felt...Present.

Robert Lee Kelleher...Present.

George W. Rollins...Present.

Don Scanlin...Present.

John M. Schiltz...Present.

Clark E. Simon...Present.

R. J. Studer, Sr....Present.

District No. 9:

Thomas M. Ask...Present.

Don E. Belcher...Present.

District No. 10:

Douglas Delaney...Present.

Donald R. Foster...Present.

District No. 11:

Grace C. Bates...Present.

Ben E. Berg, Jr....Present.

Dorothy Eck...Present.

Fred J. Martin...Present.

J. Mason Melvin...Present.

Richard B. Roeder...Present.

District No. 12:

Betty Babcock...Present.

William A. Burkhardt...Present.

Geoffrey L. Brazier...Present.

George Harper...Present.

Jerome T. Loendorf...Present.

Charles H. Mahoney...Present.

District No. 13:

Harold Arbanas...Present.

William H. (Bill) Artz...Present.

Virginia H. Blend...Present.

Marian S. Erdmann...Present.

Leo Graybill, Jr....Present.

Lyle R. Monroe...Present.

Robert B. (Bob) Noble...Present.

Donald Rebal...Present.

Arlyne E. Reichert...Present.

William H. Swanberg...Present.

Margaret S. Warden...Present.

Robert F. Woodmansey...Present.

District No. 14:

E. S. (Erv) Gysler...Present.

Mrs. Rachell K. Mansfield...Present.

Carman Skari...Present.

Edith Van Buskirk...Present.

District No. 15:

Cedor B. Aronow...Present.

E. M. Berthelson...Present.

Rod Hanson...Present.

Robert Vermillion...Present.

District No. 16:

Richard J. (Rick) Champoux...Present.

Noel D. Furlong...Present.

Arnold W. Jacobsen...Present.

Marshall Murray...Present.

Sterling Rygg...Present.

Henry L. Siderius...Present.

District No. 17:

R. S. (Bob) Hanson...Present.

Charles B. McNeil...Present.

District No. 18:

Mrs. Daphne Bugbee...Present.

Bob Campbell...Present.

J. C. Garlington...Present.

George B. Heliker...Present.

Mrs. Thomas (Katie) Payne...Present.

Mrs. Mae Nan Robinson...Present.

John H. Toole...Present.

Lucile Speer...Present.

District No. 19:

Wade J. Dahood...Present.

Peter (Pete) Lorello...Present.

Joseph H. McCarvel...Present.

Mike McKeon...Present.

District No. 20:

Maurice Driscoll...Present.

Dan W. Harrington...Present.

David L. Holland...Present.

Thomas F. Joyce...Present.

M. Lynn Sparks...Present.

Mrs. John Justin (Veronica) Sullivan...Present.

District No. 21:

John H. Anderson, Jr....Present.

Carl M. Davis...Present.

District No. 22:

Miles Romney...Present.

Jack K. Ward...Present.

District No. 23:

Franklin Arness...Present.

Marjorie Cain...Present.

Paul K. Harlow...Present.

George H. James...Present.

I now call upon the Chief Justice of the Montana Supreme Court, the Honorable James T. Harrison, to administer the oath of office.

CHIEF JUSTICE HARRISON: I consider this a great privilege, and I thank you for it.

You will each raise your right hands and say:

"I", and pronounce your name, and then repeat after me, "do solemnly swear that I will support, protect and defend the Constitution of the United States, and the Constitution of the State of Montana, and that I will discharge the duties of my office of the delegate to the Constitutional Convention with fidelity; that I have not paid or contributed, or promised to pay or contribute, either directly or indirectly; any money or other valuable thing to procure my nomination or election except for necessary and proper expenses expressly authorized by law; that I have not knowingly violated any election law of this State, or procured it to be done by others in my behalf; that I will not knowingly receive, directly or indirectly any money or other

valuable thing for the performance or non-performance of any act or duty pertaining to my office other than the compensation allowed by law, SO HELP ME GOD.

CHAIRMAN BLEWETT: Delegates and ladies and gentlemen, will you now all be seated, and will those of you who are Delegates, kindly sign the oath of office which is before you and pass it to the center so that the Pages may pick them up.

Is there anyone who has not yet signed his or her oath of office?

(No response.)

We'll then proceed with the balance of the proceedings. At this time, let's all of us stand and join together in the singing of our State Song, "Montana".

Governor Anderson, I now turn over to you for the proceedings from this time forward. Governor Anderson.

GOVERNOR ANDERSON: Thank you, Mr. Blewett.

According to the Enabling Act, nominations are now open for the office of Temporary President. The Secretary will record the nominations.

DELEGATE: Mr. Chairman.

GOVERNOR ANDERSON: Yes.

DELEGATE: This is George Harper, District 12. In keeping with our concensus of opinion in last Saturday's meeting, I'll offer this resolution:

I move that the votes for Temporary President be cast by a written ballot placed in the ballot box by each delegate as his or her name is called; that, after all delegates present have voted, the ballots be counted out loud by a teller appointed by the Presiding Officer, that the number of votes for each candidate be tabulated and announced by the Temporary Secretary and the candidate receiving a bare plurality be elected as Temporary President; that the counted ballots may be examined upon request by the person who nominated any candidate and shall be thereafter destroyed after the conclusion of the three-day organization meeting; that in the event of a tie for the most votes, an additional ballot be taken immediately in the same manner without any speeches or any new candidates or any withdrawal of candidates; that it shall not be known how any delegate has voted.

I further move that the Convention shall elect the permanent president in like manner except that a majority of the votes cast shall be required for such election; that in the event no candidate receives such a majority in either the first or second balloting process, the person receiving the lowest number of votes (of, if there be a tie in low position as to votes received, those so tied) shall be removed from consideration on the third ballot and succeeding ballots and thereafter the low vote getter or

those so tied shall be eliminated from further consideration on each succeeding ballot until only two candidates remain for final consideration.

GOVERNOR ANDERSON: Reverend Harper, would you bring that motion to the rostrum, please?

DELEGATE HARPER: Yes.

GOVERNOR ANDERSON: Does everybody understand the motion made by Reverend Harper?

DELEGATE: Mr. Chairman, may I be heard?

GOVERNOR ANDERSON: Yes.

DELEGATE: Thomas F. Joyce, District 20. I move, at this time, that the motion is out of order, as not responsive to the call of the Chair, which was to nominate a Temporary President.

GOVERNOR ANDERSON: You heard the motion---substitute motion by Mr. Joyce. I hesitate, as the Governor, to rule on the motion as to whether it is or is not out of order and I believe, probably, the democratic thing to do is to let the elected members of the Constitutional Convention decide whether or not they wish to follow the motion made by Reverend Harper.

As I say, I have great hesitancy to want to attempt, in any way, to get involved to where I may be critical of your deliberations and for that reason, is there a second to Reverend Harper's motion?

DELEGATE: Mr. Chairman, under the rules---Jerome Cate, District 8---I don't believe a second is necessary for the motion. I do believe the motion is in order, but if it requires a second, I'll second the motion at this time.

DELEGATE: Mr. President.

GOVERNOR ANDERSON: Mr. Romney.

DELEGATE ROMNEY: Miles Romney, District 22, Ravalli County where the sun is shining.

I wish to move a substitute motion. I'm taken by surprise at this motion, so I have not written a motion out.

I move that the election of all officers of this Convention be made via an open roll call, in which each Delegate specifically votes "Yes" or "No" for the particular candidates to be voted upon, and I wish to speak upon the substitute motion.

GOVERNOR ANDERSON: Mr. Romney, here again, I recognize your substitute motion. I don't profess to be a parliamentarian, and among the parliamentarians that I see at my left over here, is Jim Lucas, and I'm going to ask him to come up here and advise me as to what the parliamentarian procedure would be. Mr. Lucas.

I'm going to make this just as nonpartisan as possible. Mr. Lucas, would you give me this advice?

Mr. Lucas has been the Speaker of the House and I think he can advise me as to what procedure I follow here.

MR. LUCAS: Gentlemen, I think if we follow the Mason's Rules of Procedure, the original motion, of course, was in order; the substitute motion was in order; and we now have a substitute motion for all motions pending, which ends the motion. The third motion made by Delegate Romney is now property before the Body and then you have to back-track up the ladder if it should be defeated.

GOVERNOR ANDERSON: You just stand by.

We'll vote on the substitute motion of Mr. Romney. Would you again, Mr. Romney, state your motion, so it will be clearly understood?

DELEGATE ROMNEY: Mr. Chairman, I move that all votes taken in the election of officers of this Convention be done by roll call.

GOVERNOR ANDERSON: You heard the motion. All those in favor say "Aye".

DELEGATES: Aye.

GOVERNOR ANDERSON: Opposed "No".

DELEGATES: No.

GOVERNOR ANDERSON: The Chair is in doubt. We'll use the machine. I know that much.

DELEGATE ROMNEY: Mr. Chairman.

GOVERNOR ANDERSON: Mr. Romney.

DELEGATE ROMNEY: I would like to know if the Delegate Romney is not privileged to speak on his motion?

GOVERNOR ANDERSON: Well, it's a little late, after having the motion before the group and they're voting, Mr. Romney.

DELEGATE ROMNEY: I so specified when I made my original motion.

GOVERNOR ANDERSON: It's a non-debatable motion, I'm sure. It's a motion upon a motion upon a motion, so the Chair will rule that you will not debate it.

Has everyone voted?

DELEGATE: Mr. Chairman, I request that the roll call be published and that it not be a secret roll call, and that the "Ayes" and "Nays" on the motion be recorded on the board.

GOVERNOR ANDERSON: I have no objection to that.

Has everyone voted? Does anyone wish to change their vote? If not, the Secretary will take the tape. Mr. Secretary.

SECRETARY MARSHALL: Mr. President, fifty have voted "Aye", forty-nine have voted "No".

GOVERNOR ANDERSON: That's what you call a horse race. Fifty voting "Aye", and forty-nine voted "No", Mr. Romney's motion has passed. Mr. Romney, would you mind reducing your motion to writing?

Does the Secretary have it? Do you have it---well, I'm sure he does. Did you want it reported in the Journal, Mr. Romney?

DELEGATE ROMNEY: I'm not so particular, as long as we have the fifty votes.

GOVERNOR ANDERSON: Your point is well taken, sir. Mr. Davis.

DELEGATE DAVIS: Delegate Davis, District 12. I move the nomination of Delegate Cedor Aronow, District 15, Shelby, Montana, to act as Temporary President to the Montana Constitutional Convention.

Delegate Aronow has performed a lifetime of service to the State of Montana and to our great nation. He's a former practicing---former county attorney, city attorney, legislator, and he's now a practicing attorney, and I'm very pleased to say, a Marine in World War II and in the Korean War.

So, I would nominate and recommend to my fellow delegates, my fellow attorney and my fellow Marine, and I think this is a privilege and an honor that would be very well to confer upon our Delegate Aronow. Thank you.

GOVERNOR ANDERSON: Are there any other nominations?

DELEGATE: Mr. Chairman, I rise to second the motion, am I in order?

GOVERNOR ANDERSON: You can if you wish. There is

no need for a second to a nomination.

DELEGATE: I'm Rod Hanson, District 15. I do second the nomination of Mr. Aronow for Temporary President.

GOVERNOR ANDERSON: Are there any other nominations?

DELEGATE: Mr. Governor.

GOVERNOR ANDERSON: Mr. Felt.

DELEGATE FELT: Delegate Felt, District 8. In order to eliminate any questions any individuals may have, I'll point out to them that the individual who requested the opportunity to nominate me for this position will not do so because I informed him this morning that I felt, in the interest of harmony within the Convention, there would be no particular reason for him to do so.

I have a little interest in a few other aspects of the Convention and one you may be sure of, is that our lights don't burn out, as I noticed that our lights are still on. I don't know if this is any problem or not, but down here, at least, they're still on---the lights of the last vote.

This last vote, while we'll accept the decision of the majority, is regretable, perhaps because we spent an hour of our time yesterday reaching a different decision, almost unanimously, only to have it overturned without discussion, where it was open to the public.

GOVERNOR ANDERSON: Are there any other nominations?

Are there any other nominations?

(No reply.)

There being no other nominations, do I hear a motion to---Mr. Martin.

DELEGATE MARTIN: Fred Martin, District 11. I move the nominations be closed.

GOVERNOR ANDERSON: It's been moved that the nominations be closed. All those in favor, signify by saying "Aye"---

DELEGATES: Aye.

GOVERNOR ANDERSON: ---those opposed, "No".

(No reply.)

The Ayes have it, and so ordered. We will now have the roll call vote for Temporary President.

SECRETARY MARSHALL: Aasheim---this is for Aronow for Temporary President---

Aasheim...Aye.

Anderson, John H....Aye.

Anderson, Oscar L....Aye.

Arbanas...Aye.

Arness...Aye.

Aronow...Aye.

Artz...Aye.

Ask...Aye.

Babcock...Aye.

Barnard...Aye.

Bates...Aye.

Belcher...Aye.

Berg...Aye.

Berthelson...Aye.

Blaylock...Aye.

Blend...Aye.

Bowman...Aye.

Brazier...Aye.

Brown...Aye.

Bugbee...Aye.

Burkhardt...Aye.

Cain...Aye.

Campbell...Aye.

Cate...Aye.

Champoux...Aye.

Choate...Aye.

Conover...Aye.

Cross...Aye.

Dahood, excused.

Davis...Aye.

Delaney...Aye.

Driscoll...Aye.

Drum...Aye.

Eck...Aye.

Erdmann...Aye.

Eskildsen...Aye.

Etchart...Aye.

Felt...Aye.

Foster...Aye.

Furlong...Aye.

Garlington...Aye.

Graybill...Aye.

Gysler...Aye.

Habedank...Aye.

Hanson...Aye.

Hanson, Rod...Aye.

Harbaugh...Aye.

Harlow...Aye.

Harper...Aye.

Harrington...Aye.

Heliker...Aye.

Holland...Aye.

Jacobsen...Aye.

James...Aye.

Johnson...Aye.

Joyce...Aye.

Kamhoot...Aye.

Kelleher...Aye.

Leuthold...Aye.

Leondorf...Aye.

Lorello...Aye.

Mahoney...Aye.

Mansfield...Aye.

Martin...Aye.

McCarvel...Aye.

McDonough...Aye.

McKeon...Aye.

McNeil...Aye.

Melvin...Aye.

Monroe...Aye.

Murray...Aye.

Noble...Aye.

Nutting...Aye.

Payne...Aye.

Pemberton...Aye.

Rebal...Aye.

Reichert...Aye.

Robinson...Aye.

Roeder...Aye.

Rollins...Aye.

Romney...Aye.

Rygg...Aye.

Scanlin...Aye.

Schiltz...Aye.

Siderius...Aye.

Simon...Aye.

Skari...Aye.

Sparks...Aye.

Speer...Aye.

Studer...Nay.

Sullivan...Aye.

Swanberg...Aye.

Toole...Aye.

Van Buskirk...Aye.

Vermillion...Aye.

Wagner...Aye.

Ward...Aye.

Warden...Aye.

Wilson...Aye.

Woodmansey...Aye.

Ninety-nine voted "Aye"---ninety-eight voted "Aye"---

GOVERNOR ANDERSON: Cedor Aronow having received all of the votes of those assembled, has been duly elected Temporary President.

At this time, I'd like to take the opportunity to thank my Republican colleague for coming up and helping me; and I want to suggest that he and I oftentimes don't agree, but I know that his advice in parliamentary matters are important, and I feel at liberty to call on him, and

there have been occasions when he has felt free to call on me.

He is a Republican and I am a Democrat, and this is the way I hope the spirit of this Convention will follow through, all the way to its conclusion, because I believe that any man, no matter who he may be, has got something to tell you if you will just sit long enough to listen.

Thank you very much.

I hereby appoint the following committee to escort the Temporary President to the Chair: Lyle Monroe and Fred Martin. Would you please escort Mr. Aronow to the Chair?

Mr. Aronow, it's a big Chair, treat it well.

TEMPORARY PRESIDENT ARONOW: Thank you.

I would like to thank the Governor for presiding over the opening of the Convention, and appoint the following committee to escort the Governor from the Chamber: Franklin Arness from Libby, Tom Ask from Roundup and Louise Cross from Billings---or Glendive, excuse me.

GOVERNOR ANDERSON: Thank you very much, and God bless you.

TEMPORARY PRESIDENT ARONOW: I want to thank the Delegates to the Convention for the trust that they have shown in me, and the honor that they have presented to me by making me your Temporary President.

While I'm here, I would like to take this opportunity to thank an old friend of mine for the service he has given to this Convention. In 1949, when I served in this Chamber, I met a then young man by the name of Walter Marshall, that was the Clerk of the House, and over the years, I have seen Walter Marshall at legislative assemblies in varied capacities and he has obtained and gained an expertise over the years in legislative bodies.

He has sometimes been with the House, sometimes with the Senate. He is always cheerful, always willing and always a hard worker, and this was demonstrated when he gave unsparingly of his time in the pre-organization meetings to help us and to explain things, and at this time, I want to thank you, Walter Marshall, for the fine service you have given, not only to this Convention, but to the State of Montana over these many years.

No one, so far, has really expressed the thanks and appreciation that I know this Convention feels for our Constitutional Convention Commission. They have given unsparingly of their time and their effort, at considerable personal sacrifice to themselves, and they have stayed away from their own affairs, their own businesses, and devoted their time and energy and businesses to the State of Montana for the preparatory work of this Commission.

They have supervised the staff, headed by Dale

Harris, who has done an outstanding job in preparing material for our education, and I want to take this opportunity, not only in my own behalf, but in the behalf of all the Delegates, to thank the Commission, our good friend, Dale Harris and his staff, for the wonderful job that they have done in preparing for this Convention. Thank you.

The next order of business, nominations are now open for the office of Convention President. Mr. Aasheim.

DELEGATE AASHEIM: Mr. Chairman, I'm Magnus Aasheim from District 4. I wish to place in nomination a man who is well qualified for this position. He has been active in numerous and varied civic projects in Cascade County.

One of the more recent and farsighted endeavors was the promotion of the seven million dollar Great Falls Airport project. This was no small accomplishment, and it was made possible because of the needed ability and the personality of the coordinator.

I am proud to place this man in nomination for Chairman of the 1971, 1972 Montana Constitutional Convention, Leo Graybill, Jr.

TEMPORARY PRESIDENT ARONOW: The name of Leo Graybill, Jr. has been placed in nomination. Is there a second? Mr. Holland.

DELEGATE HOLLAND: Dave Holland, District 20. It

is with great pleasure that I second the nomination of Mr. Graybill, who is, by his training and by his education and by his ability, is very well qualified to handle the position for which he has been nominated.

TEMPORARY PRESIDENT ARONOW: Are there any other nominations for the office of President?

DELEGATE: Mr. Temporary President.

TEMPORARY PRESIDENT ARONOW: Mr. Felt.

DELEGATE FELT: Without any objection, I would prefer to step just this far to the side and use it this way because otherwise, I would have my back to too many of you Delegates.

I feel that I'm somewhat ill equipped to make the remarks and suggestion that I intend to make, but I shall do the best I can and hope that all of you, in your own judgment, can fill in gaps in my capabilities.

It's my purpose here to again deal with the question of harmony within the Convention, but in this instance, it's my purpose to nominate a fellow delegate that I consider very well qualified; and I do this for the purpose of giving this Convention the opportunity of a free choice of a presiding officer who could have the support of a large number---or the majority of the Delegates.

And at this opportunity, I would like to express our feelings that this be done in an open Convention, as

we are now undertaking.

I wish to pay my respects to all of the individuals who offered themselves as candidates. I feel that each of them had legitimate reasons for doing so, and I am certain that many others amongst the Delegates also could have had reasons for offering their services.

And I submit to you that when we, as I shall now do, offer a Delegate as a choice for the position of presiding officer, that it's done in the same sense that all of us collectively will eventually offer to the people of Montana a proposed constitution, which they may accept or reject. We will do so sincerely, believing it's in the best interest of the State.

I am certain that all of us are equally dedicated to this cause and are conscience, not only of our own individual responsibility as we perform duties here each day, but in the final result, it will be the people of the State of Montana who will make the decision as to whether or not they will accept the Constitution that we propose.

I feel that in some ways, we have not gained the confidence of the people of Montana, and that there has been a lack of harmony within the Convention over this matter of the selection of a presiding officer. Whether it was necessary that this occur, I'll not comment upon that, but I became quite conscience, as things were happening rather

rapidly yesterday, that while I felt I had reasons to offer my own services and to continue the work that I have been engaged in, and my time to render a service in that position, that perhaps my general exposure in the field of partisan political activity in the past caused me to be looked upon as a particular example of partisanship.

And even though I may not have felt that this was a justified feeling, I knew that it existed, and therefore, while I could protest my disinterest and point to the fact that I have equal reason to question the disinterest of those who do not wish to submit this question openly to a full Convention, where all one hundred Delegates have an opportunity to choose, this would not establish the fact of my own disinterest.

As I saw that various candidates were withdrawing from the field, for one reason or another, and the other Republican candidates informed me yesterday that they did not intend to have their names placed in nomination, I began thinking about this matter as a personal responsibility.

My decision was further moved along as I listened to our distinguished speaker at the banquet last night, and at the conclusion of the banquet, I felt it advisable that I withdraw my own candidacy and so advised the individuals who had planned to nominate me.

I regret taking the time of having to explain this to you, but I have not had the opportunity to explain either to the people who had urged me to become a candidate, and obviously, I had no opportunity to point it out to the people of Montana in general who, if they are interested enough to read the newspaper accounts, might wonder why it happened that I filed as a candidate to be nominated this day, and am now withdrawing.

So, in that general spirit, I'll now make a nomination. I feel it's necessary---and I regret that it is necessary---to point out that in the first decision we made here, we didn't only depart from the decision we ourselves made, but we departed entirely from the American tradition, under which people are elected by secret ballots and that the open vote of "Yes" or "No" is confined to issues where the people are particularly interested in knowing how someone voted on a certain issue. That the custom of secret election of individuals is not only traditional, but founded naturally upon logic.

It does not then, again, disrupt the mutual good feelings that are intended to exist within a deliberating body, or within any group trying to move toward a common goal, and I do very much regret that this change occurred because I think it places us at some disadvantage under these circumstances, and for those reasons which were so

ably presented and led to a different decision being reached only yesterday, when we were trying to conserve time.

The individual that I propose to nominate, I must say, was somewhat reluntant when first approached, and totally surprised. I'm glad he doesn't wear false teeth because he was completely shocked when we suggested to him that in the event that would he be willing to accept this position of responsibility, that I would be happy to withdraw, and after some consideration, however, Mr. Bruce Brown did agree that he would permit me to place his name in nomination.

Mr. Brown, the Delegate from Custer County, does have the qualifications for this position. He is a human being, and therefore imperfect, as are all of us. He is a particularly human individual, I feel, having more humbleness than many of the rest of us, and I think this would stand him in good stead and be exemplified, of course, by his not attempting to push himself into this position, but is one of the few instances where a genuine draft occurred.

He is, of course, of a fair and balanced temperament and would be fair to all individuals. He is a dedicated man, as dedicated to this cause as are all the rest of us. He is an independent thinker, but one who accepts

the right of every other individual people to also think independently.

It's sometimes pertinent to mention the things that a person is not. I would say, in particular, he is not narrow in outlook, nor would he be at all dictatorial in the way he would lend his services to this Convention. Perhaps, above all, he's not ambitious for political advancement or deferment or personal advantage, whatsoever, to be gained from serving in any capacity in this Convention.

I feel that all of us as Delegates, and certainly all the people of Montana, have a great stake in the action we are about to make---in the decision we are about to make. We do not, obviously, wish to waste our own time, nor would the people of Montana wish us to waste their money or their time in an endeavor here which is torn by disharmony, if they felt at the time of our first steps that decisions were being made by less than a majority, by negotiations which led to results that might not have been obtained if an open choice had been pending.

That we may dispell that question by the procedure that we are offering to you now, and we would pledge to you that there will not be an effort made to criticize the decisions made, nor the methods used, to reach those. We are grateful for the opportunity to present a choice to

the Convention, just as we were all grateful for the opportunity to speak for five minutes yesterday to all of the Delegates, and we think that something which almost might have been yesterday, in the event that it might be continued on as they were, we may have an opportunity yet today.

As I said, I feel somewhat inadequate for the task of dealing with this entire matter, and other things might be said, but I do not wish to take more of your time. If I have omitted something of importance, I do rely upon each of you to think about this decision, to be guided by your own conscience and your own dedication to our mutual cause. I thank you.

TEMPORARY PRESIDENT ARONOW: Are there any other nominations?

DELEGATE: Mr. Chairman.

TEMPORARY PRESIDENT ARONOW: Yes.

DELEGATE: My worthy colleagues, I am Catherine Pemberton from District No. 1. As one of nineteen women Delegates to the Montana Constitutional Convention, it is a special privilege to second the nomination of the native Montanan who believes in Montana and who has been born, educated and makes his living in our Big Sky Country.

He is a successful Miles City attorney, whose family history in Custer County and Eastern Montana goes back into

the eighties. He is from an old Scotch family with a conservative background. The family ranch, called by its brand the "SH", is famous in the southeastern part of the State where the Montana Stockgrowers organized in 1884 and continued to hold the annual meetings in Miles City until 1918. Bruce Brown's grandfather was President of the Stockgrowers in 1912.

The Browns have five children, a daughter and four sons. Two are University graduates, and one son is captain on the Custer County High School ball team.

Brown has been city and county attorney, he's served on various civic boards in the city and county and over the State.

He was graduated from the University School of Business Administration and the School of Law of the University.

He was a pilot in World War II, and is still a pilot.

Bruce Brown is from an old time Montana family. His wonderful grandmother was one of the first white children born in Custer County.

Brown's thinking would represent all thinking in Montana, not just one segment, and I have the privilege of asking your support of my friend, Bruce Brown, Independent Delegate from District 2, for President of this historic

conference.

TEMPORARY PRESIDENT ARONOW: Thank you, Mrs. Pemberton.

Are there any other nominations for the office of President? Mr. Habedank.

DELEGATE HABEDANK: Otto Habedank from District 3. I came to this Convention dedicated to a bipartisan Convention. A proceeding was held yesterday afternoon which I did not attend because I was not invited.

Yesterday afternoon, I listened to thirteen candidates express their desire as to why they felt they should be President of this Convention. I heard many comments as to why we should not delay these proceedings by having a choice made among these candidates by the members of this Convention.

I got to searching my conscience during the night because I attended a lot of rallies throughout the State of Montana and I heard many other candidates say that this Convention should be nonpartisan---or bipartisan, and that partisan politics has nothing to do with it, and I came here expecting to have an opportunity to decide among those thirteen candidates, and such others as should be nominated, and I don't intend to be denied that opportunity except by the specific withdrawal of nominations of Democrats and Republicans and Independents who offered themselves.

If they themselves publicly wish to withdraw, that is their privilege, but unless I'm stopped by order of the Chair, or vote of this Convention, I intend to nominate the people who spoke to us, and at this time, I nominate the first speaker yesterday, a farmer, rancher, educator and school administrator for eight years, Mr. Magnus Aasheim.

DELEGATE: Mr. Chairman.

TEMPORARY PRESIDENT ARONOW: Mr. Aasheim.

DELEGATE AASHEIM: At this time, I'd like to express my appreciation to Mr. Habedank for his courtesy, but I'm not now a candidate for this position.

TEMPORARY PRESIDENT ARONOW: You withdraw your name from nomination?

DELEGATE AASHEIM: Yes.

TEMPORARY PRESIDENT ARONOW: Thank you, Mr. Aasheim. Any other nominations? Delegate Habedank.

DELEGATE HABEDANK: I wish to place in nomination a school administrator for nineteen years, at least, a do-something man, Harold Arbanas.

TEMPORARY PRESIDENT ARONOW: The name of Harold Arbanas has been placed in nomination.

DELEGATE: Harold Arbanas, District 13. I intend to be a do-something man, but I would now withdraw.

TEMPORARY PRESIDENT ARONOW: Mr. Arbanas has

withdrawn his name from nomination. Are there any other nominations? Mr. Habedank.

DELEGATE HABEDANK: I next wish to place in nomination a teacher from Laurel, a man whom we all know, Mr. Chet Blaylock.

TEMPORARY PRESIDENT ARONOW: The name of Chet Blaylock has been placed in nomination. Mr. Blaylock.

DELEGATE BLAYLOCK: Mr. Chairman, Mr. Habedank, thank you very much, but I think one of the things that we have to remember, is when you go into a caucus, as we all did yesterday, that if we had received the majority of the vote in there, we would have wanted those people to stay with us regardless of how else we might feel, and so at this time, I decline.

TEMPORARY PRESIDENT ARONOW: Mr. Blaylock has withdrawn his name from nomination. Are there any other nominations? Mr. Habedank.

DELEGATE HABEDANK: Mr. Chairman, I place in nomination---and I heard his statement that he is not seeking nomination---but I nominate Jim Felt.

TEMPORARY PRESIDENT ARONOW: The name of Jim Felt has been placed in nomination. Mr. Felt.

DELEGATE FELT: Mr. Temporary President, I withdraw my name. Thank you for the courtesy.

TEMPORARY PRESIDENT ARONOW: The name of Jim Felt

has been withdrawn from nomination. Now, are there any other nominations for the office of President? Mr. Habedank.

DELEGATE HABEDANK: I place in nomination as candidate, the attorney from Butte, David L. Holland.

TEMPORARY PRESIDENT ARONOW: The name of David L. Holland has been placed in nomination. Mr. Holland.

DELEGATE HOLLAND: Thank you, Mr. Habedank. I bet you'd be surprised if I accepted, but I must respectfully decline.

TEMPORARY PRESIDENT ARONOW: Mr. Holland has declined the nomination. Are there any other nominations for the office of President? Mr. Habedank.

DELEGATE HABEDANK: I nominate Geoffrey Brazier, attorney of Helena.

TEMPORARY PRESIDENT ARONOW: The name of Geoffrey Brazier has been placed in nomination. Yes, Mr. Brazier.

DELEGATE BRAZIER: Mr. Temporary Chairman, with all due respect for the courtesy and motives of Mr. Habedank, I don't think I could rally enough support, and I therefore respectfully withdraw.

TEMPORARY PRESIDENT ARONOW: The name of Jeff Brazier has been withdrawn. Now, are there any other nominations for the office of President. Mr. Habedank.

DELEGATE HABEDANK: I realize you think this is an

exercise in futility, but I still hope that one of these fellows will accept, and regardless of what Mr. Holland says, I nominate Jack Schiltz, attorney at Billings.

TEMPORARY PRESIDENT ARONOW: Jack Schiltz has been nominated for President. Mr. Schiltz.

DELEGATE SCHILTZ: Mr. President.

TEMPORARY PRESIDENT ARONOW: Mr. Schiltz.

DELEGATE SCHILTZ: I think I'm just as good a man as I thought I was yesterday, but I must respectfully decline.

TEMPORARY PRESIDENT ARONOW: The name of Jack Schiltz has been withdrawn from nomination. Are there any other nominations? Mr. Habedank.

DELEGATE HABEDANK: I nominate Sterling Rygg of Kalispell.

TEMPORARY PRESIDENT ARONOW: The name of Sterling Rygg has been placed in nomination. Mr. Rygg.

DELEGATE RYGG: Thank you, Mr. Habedank, but I too decline the nomination.

TEMPORARY PRESIDENT ARONOW: Mr. Rygg has declined the nomination and his name is withdrawn from nomination. Is there any other nominations for President? Mr. Habedank.

DELEGATE HABEDANK: I nominate John Toole.

TEMPORARY PRESIDENT ARONOW: The name of John Toole has been placed in nomination. Mr. Toole.

DELEGATE TOOLE: Mr. President, I'm not a candidate. Thank you very much.

TEMPORARY PRESIDENT ARONOW: The name of John Toole has been withdrawn from nomination. Are there any other nominations for the office of President? Mr. Habedank.

DELEGATE HABEDANK: I nominate Charles Mahoney, Independent from Helena.

TEMPORARY PRESIDENT ARONOW: Mr. Mahoney.

DELEGATE MAHONEY: Mr. President, I really appreciate this nomination because us Independents got practically told off yesterday, but we really appreciate this, but I'm just solidly supporting Bruce Brown, and I therefore withdraw.

TEMPORARY PRESIDENT ARONOW: The name of Chuck Mahoney has been withdrawn from nomination. Are there any other nominations? Mr. Habedank.

DELEGATE HABEDANK: Mr. Chairman, I nominate Leslie Joe Eskildsen of Malta.

TEMPORARY PRESIDENT ARONOW: The name of Leslie Joe Eskildsen has been placed in nomination. Mr. Eskildsen.

DELEGATE ESKILDSEN: Mr. Temporary President, I withdraw.

TEMPORARY PRESIDENT ARONOW: The name of Leslie Joe Eskildsen has been withdrawn from nomination. Are

there any other nominations for the office of President? Mr. Habedank.

DELEGATE HABEDANK: Mr. Chairman, I nominate Paul Harlow, a long-time friend in education and otherwise, from Thompson Falls, Montana.

TEMPORARY PRESIDENT ARONOW: Mr. Harlow.

DELEGATE HARLOW: Mr. Temporary Chairman, I'm even better off than Mr. Rygg, I feel I'm a better man today than I was yesterday, but I must decline because I don't think I'm good enough to be Chairman today.

TEMPORARY PRESIDENT ARONOW: The name of Paul Harlow has been withdrawn from nomination. Are there any other nominations for the office of President?

Are there any other nominations for the office of President?

(No reply.)

Are there any other nominations---yes, Mr. Holland.

DELEGATE HOLLAND: I move the nominations for the office of President be closed.

TEMPORARY PRESIDENT ARONOW: It's been duly moved that nominations for the office of President be closed. Is there any discussion? Are you ready for the question?

DELEGATES: Question.

TEMPORARY PRESIDENT ARONOW: All those in favor, signify by saying "Aye"---

DELEGATES: Aye.

TEMPORARY PRESIDENT ARONOW: ---opposed "No".

(No reply.)

The Ayes have it. The nominations are closed. Mr. Clerk, would you be kind enough to read the names of the individuals who have been nominated for the office of Convention President?

SECRETARY MARSHALL: For the office of Convention President, Leo Graybill, Jr. and Bruce Brown are the two nominees, sir.

TEMPORARY PRESIDENT ARONOW: In accordance with the motion previously made, voted on and carried, the vote will be by roll call, open. Call the roll.

SECRETARY MARSHALL: Aasheim...Graybill.

Anderson, John...Brown.

Anderson, Oscar L....Pass.

Arbanas...Graybill.

Arness...Graybill.

Aronow...Graybill.

Artz...Graybill.

Ask...Brown.

Babcock...Brown.

Barnard...Graybill.

Bates...Graybill.

Belcher...Graybill.

Berg...Brown.

Berthelson...Brown.

Blaylock...Graybill.

Blend...Graybill.

Bowman...Brown.

Brazier...Graybill.

Bugbee...Graybill.

Burkhardt...Brown.

Cain...Graybill.

Campbell...Graybill.

Champoux...Graybill.

Choate...Brown.

Conover...Graybill.

Cate... (No reply.)

Cate...

DELEGATE CATE: Mr. President.

TEMPORARY PRESIDENT ARONOW: Mr. Cate.

DELEGATE CATE: Mr. President, with the Convention's indulgence, I would like to explain my vote. I'm Jerome Cate from District 8. I'm thirty-two years old, I have been a Democrat for twenty years. I was the President of the Young Democrats in the Eighth Grade at Sacred Heart High School in Miles City. I have been active in the Democratic Party all through my high school and college years.

I worked for Senator Lee Metcalf in Washington for five years. I've been a delegate to the National Convention for the Democratic Party. I've worked for the Senate of the State in 1959 and 1961. I have been President of the Yellowstone County Democratic Club. I have been Chairman of the Democratic Central Committee of Yellowstone County, which is a tough county to be a Democrat in. I have participated on those committees for the Democratic Party for many years. I have been on the Executive Committee of the Democratic Party.

In the first rule of legislative session, fellow delegates, if this were a legislative session, I would be telling the Republicans in the balcony that this is not a legislative session. This is a Constitutional Convention where each and every candidate should exercise his own judgment on each and every issue and not be dictated to by any party machine.

Ladies and gentlemen, for that reason, I wish to cast my vote for Bruce Brown, Independent candidate, for President of this Convention. Thank you.

SECRETARY MARSHALL: Cate votes Brown. Now, back to Brown.

DELEGATE BROWN: Brown.

SECRETARY MARSHALL: Brown votes for Brown.

Cross...Brown.

Dahood...Excused.

Davis...Graybill.

Delaney...Graybill.

Driscoll...Graybill.

Drum...Brown.

Eck...Graybill.

Erdmann...Brown.

Eskildsen...Graybill.

Etchart...Brown.

Felt...Brown.

Foster...Brown.

Furlong...Graybill.

Garlington...Brown.

Graybill...Graybill.

Gysler...Graybill.

Habedank...Brown.

Hanson...Brown.

Hanson, Rod...Graybill.

Harbaugh...Graybill.

Harlow...Graybill.

Harper...Brown.

Harrington...Graybill.

Heliker...Graybill.

Holland...Graybill.

Jacobsen...Brown.

James...Graybill.

Johnson...Brown.

Joyce...Graybill.

Kamhoot...Brown.

Kelleher...Graybill.

Leuthold...Brown.

Loendorf...Brown.

Lorello...Graybill.

Mahoney...Brown.

Mansfield...Graybill.

DELEGATE: Mr. President.

TEMPORARY PRESIDENT ARONOW: Mr. Martin.

DELEGATE MARTIN: Mr. President, some of you may remember that yesterday I invited the Republicans to attend the Democratic caucus. I was the only one who attended. They didn't throw me out, but nevertheless, I do think that the selection as of yesterday should have been by one hundred instead of fifty-eight. I vote Brown.

SECRETARY MARSHALL: Martin votes Brown.

McCarvel...Graybill.

McDonough...Graybill.

McKeon...Graybill.

McNeil...Brown.

Melvin...Graybill.

Monroe...Graybill.

Murray...Brown.

Noble...Graybill.

Nutting...Brown.

Payne...Brown.

Pemberton...Brown.

Rebal...Graybill.

Reichert...Graybill.

Robinson...Graybill.

Roeder...Graybill.

Rollins...Graybill.

Romney...Graybill.

Rygg...Brown.

Scanlin...Brown.

Schiltz...Graybill.

Siderius...Graybill.

Simon...Brown.

Sparks...Graybill.

Skari...Graybill.

Speer...Graybill.

Studer...Brown.

Sullivan...Graybill.

Swanberg...Graybill.

Toole...Brown.

Van Buskirk...Graybill.

Vermillion...Graybill.

Wagner...Graybill.

Ward...Brown.

Warden...Graybill.

Wilson...Brown.

Woodmansey...Graybill.

Mr. Temporary President.

TEMPORARY PRESIDENT ARONOW: Mr. Marshall.

SECRETARY MARSHALL: One delegate excused, one delegate passed, the tally of the vote: Graybill, sixty votes; Brown, thirty-eight votes.

TEMPORARY PRESIDENT ARONOW: Thank you, Mr. Marshall.

Does anyone wish to examine the ballot?

DELEGATE: Mr. President.

TEMPORARY PRESIDENT ARONOW: Yes. Mr. Brown has the Floor. Mr. Brown.

DELEGATE BROWN: I would like to thank the Delegates to the Convention for the great honor they have given me, and I'm now going to work with Mr. Graybill, and I'd now like to move that we cast a unanimous ballot for Mr. Graybill.

TEMPORARY PRESIDENT ARONOW: Thank you, Mr. Brown. Your action, Mr. Brown, is a most kind and generous motion, and on a standing vote, I take it, you have instructed me to declare this election unanimous?

DELEGATE BROWN: Yes.

SECRETARY MARSHALL: I now cast a unanimous ballot for Leo Graybill, Jr., for President of the Montana Constitutional Convention of Helena, Montana, this day.

TEMPORARY PRESIDENT ARONOW: Leo Graybill, Jr., receiving a majority of votes cast, has been duly elected President of the Convention.

I hereby appoint the following committee to escort the President to the Chair: Marshall Murray, Joe Eskildsen and Tom Joyce. You gentlemen will perform your duty and escort the President to the Chair.

PRESIDENT GRAYBILL: Mr. Temporary Chairman, ladies and gentlemen of the Constitutional Convention, I must say, it's a very humbling process to be elected by this Body, and I want to thank all of you.

I think, friends, that we can now say that all had a fair shot at it, and I appreciate the support I got, and I appreciate the unanimous vote afterwards. Let's make it a bipartisan Convention from here on out.

I have no long statement to make, but I would like to remind the Delegates and myself, right here at the outset, that we are actually representatives of the people of the fine State of Montana, and I hope that we will keep in front of our minds as we go through the Convention, at all times, the fact that all we are doing is fashioning

for the public a constitution that we can honorably and honestly present to them, and ask them to support it when we place it before them next fall.

So, with that in mind, let's put ourselves to the task of putting together the best constitution that we can get the public and the State of Montana to pass.

The Chair would now entertain a motion about rules.

DELEGATE: Mr. President.

PRESIDENT GRAYBILL: Mr. Romney.

DELEGATE ROMNEY: Mr. President, I'm Delegate Romney, District 22. I move that the Convention adopt, as temporary rules, the Joint Rules of the Forty-second Legislative Assembly. Note the word "temporary".

PRESIDENT GRAYBILL: The Chair has heard a motion from Delegate Romney that we adopt the Temporary Rules of the Montana Legislative Session, so that we can proceed on that basis.

Mr. Mahoney.

DELEGATE MAHONEY: As a point of information from the Chair and from the author of the motion, would we be adopting at this time, as temporary rules, Rule H7-1? This is in regard to committees. I'd like to know.

PRESIDENT GRAYBILL: What I think we have in mind, Mr. Mahoney---well, we could ask Mr. Romney. Mr. Romney, do you want to answer that?

DELEGATE ROMNEY: It's obvious that we would not use the Joint Rules and the House Rules to conduct the proceedings of the Convention throughout. Consequently, in order to facilitate and expedite the transaction of our work here today, tomorrow and Wednesday, it is our thought that we could use these rules until such time as the new Rules Committee can perfect a new set of rules which we will use throughout the Convention.

As the Senator knows, in previous conventions, almost always, some set of rules has been perfected by the membership of the Convention. For example, the United States Constitution itself, drew up its own rules during the first few days, as you have no doubt known from reading James Madison's notes on the Constitutional Convention.

DELEGATE MAHONEY: I'd ask the distinguished gentleman from Ravalli County another question.

PRESIDENT GRAYBILL: Mr. Mahoney.

DELEGATE MAHONEY: Yes.

PRESIDENT GRAYBILL: May we make the observation--- I don't know, but I think that it is the intention of Mr. Romney to back up the Montana Rules by Mason's, where they are not specific. Is that correct?

DELEGATE MAHONEY: Do you have any objection to removing Rule H7-1 from this proceedings? This is in regard to committees.

DELEGATE ROMNEY: As far as the Mason's Rules are concerned, they are implanted in these Rules themselves, anyway, and at any place where these Rules do not pertain, why, Mason's takes over, but I have no objection to taking that out.

DELEGATE MAHONEY: Mr. Chairman, in order to get the whole Convention---and this is a very important thing, and this is going to hinge on something that could be done.

I'm going to move, as a substitute motion to his motion, that we remove this Rule from the temporary rules of this Convention, and will be adopted later. I hope I'm in order, and I will now move that Rule H7-1---and I will now read it---

PRESIDENT GRAYBILL: Will you give the Delegates the sense of Rule H7-1?

DELEGATE MAHONEY. I have now my glasses. Mr. Chairman, this is on page seventy-two of the House Rules:

"The Committee on Rules and Journal shall consist of the Speaker and four members appointed by him. The Speaker shall appoint other Standing Committees, Select Committees, and House membership on Joint Committees and Conference Committees. The Standing Committees of the House are as follows..."

Now, I'm not going to worry about these committees.

This is the part that I would like to have this Convention determine, how they would like to have these committees appointed, and if this should be adopted in there, then it would run straight over to the President of the Convention.

So, Mr. Chairman, I move to remove that from Mr. Romney's motion, this one rule in regard to committees. Let the Rules Committee come back to the Convention with another rule on this, if they so desire.

PRESIDENT GRAYBILL: Now, Mr. Mahoney, we understand your motion, and we'll let them vote on it here in a minute.

It is the intention of the Chair, in any event, to call for another motion about the appointment of committees, and especially about appointment of a Rules Committee, but we do want some rules to operate under.

Yes, sir.

DELEGATE BRAZIER: I rise to second the motion of Mr. Mahoney.

PRESIDENT GRAYBILL: Mr. Brazier.

DELEGATE BRAZIER: Delegate Brazier from District 12.

PRESIDENT GRAYBILL: All right, you have heard the motion of Mr. Mahoney---or the substitute motion of Mr. Mahoney, that we adopt the Montana House Rules, backed by Mason's Rules, with the exception of the Rule on appointment

of the committees.

Is there any further discussion?

DELEGATE: Mr. Chairman.

PRESIDENT GRAYBILL: Mr. Blaylock.

DELEGATE BLAYLOCK: If this is a substitute motion of a substitute motion, doesn't that replace the entire motion of Mr. Romney's? This is just an amendment, isn't it?

PRESIDENT GRAYBILL: I think Mr. Mahoney called it a substitute motion, but if I understand him correctly, he's willing to operate under the Montana Legislative Rules, backed by Mason's, but without the committee Rule. Is that correct, Mr. Mahoney?

DELEGATE MAHONEY: All I'm trying to do, is remove the one section, and if the Chair can determine how to do it, now, I'll do it.

PRESIDENT GRAYBILL: Right. So now, we have before us, a substitute motion of Mr. Mahoney, that we adopt as our temporary rules the Montana Legislative Rules, backed by Mason's, without the Rule on committee appointments.

Now, is there any other discussion?

DELEGATE: Mr. President.

PRESIDENT GRAYBILL: Mr. Felt.

DELEGATE FELT: Begging the indulgence of the Assembly---and when this is completed, I can assure you you

won't be hearing from me this frequently---I thought that this would be an amendment, and I intended to speak, but since it's been treated as a substitute motion, I feel that there are a few other things that need to be mentioned because these House Rules that we're adopting in a temporary manner, are quite well, but unfortunately, I doubt if many of us---I know I do not---have a copy of them with us.

But, speaking from some memory of these Rules, I---and, of course, the point that Mr. Romney made is well taken, as well as Robert's Rules, and we are using them because they are in the Enabling Act and they are duly incorporated in the House Rules, and in that respect, they are adequate for our purposes.

At this time, I---if I recall these House Rules correctly, they are developed in the overall purpose and sense of being a set under which a House of Representatives of this State can operate efficiently, recognizing rights of minorities, but by golly, they give the majority the power to control, and do they ever give the Speaker of the House power, way beyond what anyone has ever suggested giving the President of a Convention such as this.

That I know because I held the position. It gave you not only the possibility of naming the committees, but naming all the members to every committee, and deciding who will be the chairman and vice-chairman. Deciding what

proposals go to each committee. And in all the parliamentary procedural matters, the power is granted way beyond those that have been discussed in the pamphlets that have been distributed to us, and the discussions we have had amongst ourselves, and this comes as quite a surprise to me.

I thought that we would follow the procedure reviewed for us in the last couple of days of our orientation period, which calls---and this is in the pamphlets that were handed to you---for the creation of a committee to deal with rules of our organization. Now, this committee would then be able to report and give us the proposals that they think would be appropriate for our proceedings.

I feel that with all of the parliamentary procedural rules, we already have a workable set in the rules that were given to us by the Enabling Act through Mason's Rules, so we are fully capable of doing whatever we wish to undertake, and that it's not necessary, and I think that Mr. Mahoney put his finger on the most single important matter that we have all discussed at length, but they are certainly inappropriate for us.

He is asking us to adopt as our rules, something that is not comprehensive, something that we do not have before us, something that we understand only in a general

way. We have had this presented without benefit of committee report or investigation.

For those reasons, Mr. Chairman, I move as a substitute motion for all motions pending, that the Mason's Rules of Procedure be continued as the rules of this Body until such time as we have the benefit of the report of the Committee on Rules of Organization and I would, if this motion should carry, be pleased to make a motion calling for the Chair to begin the process of selecting a committee---temporary committee---to deal with the organization, although I would hope that the membership of the committee would at least be ratified by a voice vote on the Floor. Thank you.

PRESIDENT GRAYBILL: Now, the Chair understands that you have made a substitute motion, Mr. Felt, and your substitute motion is that the Mason's Rules, rather than the Legislative Rules backed by Mason's Rules, be the rules---temporary rules---under which we operate, just until the Rules Committee reports, is that the sense of your motion?

DELEGATE FELT: That's correct.

PRESIDENT GRAYBILL: Now, the Chair is in doubt and will ask the Parliamentarian, is this second substitute motion in order?

PARLIAMENTARIAN BADEN: Yes.

PRESIDENT GRAYBILL: The second substitute motion is in order.

I understand, then, that no further substitute motions are in order?

PARLIAMENTARIAN BADEN: Yes.

PRESIDENT GRAYBILL: No further substitute motions are in order, and we're now open for debate on the second substitute motion, or we'll vote.

DELEGATE ROMNEY: Mr. Chairman.

PRESIDENT GRAYBILL: Mr. Romney.

DELEGATE ROMNEY: Delegate Romney, District 22. I enthusiastically endorse the proposition of Delegate Felt because it's precisely what I said in the first place.

PRESIDENT GRAYBILL: All right. Are you ready for the question?

DELEGATE MAHONEY: Mr. President.

PRESIDENT GRAYBILL: Mr. Mahoney.

DELEGATE MAHONEY: I don't think there is enough people that has gotten House Rules, let alone trying to operate under Mason's Rules. They are quite a problem to get copies of.

I think we could operate very handily under this substitute---not Mr. Felt's motion, but under my thing, if we cleared up the main points of this issue at this

time, and I would like to oppose Mr. Felt's motion and stay with the House Rules, very temporarily, with my amendment to take out appointment of committees. That is what I would like.

PRESIDENT GRAYBILL: Is there further discussion?

The Chair would like to make the point that when you delegates stand, to say your name and speak up because (A) I might not know all your names, but (B) there is an awful bright light in my eyes---which I hope won't be here after today---so speak up.

DELEGATE: Mr. President.

PRESIDENT GRAYBILL: Yes.

DELEGATE: I'm Richard Nutting from District 7.

PRESIDENT GRAYBILL: I recognize Delegate Nutting.

DELEGATE NUTTING: I rise in support of Mr. Felt's motion. I had drawn up a tentative proposition to which I would like---that I would like to present if this motion endures.

PRESIDENT GRAYBILL: Now, is this matter that you are going to present, another matter?

DELEGATE NUTTING: This is in support of Mr. Felt's motion.

PRESIDENT GRAYBILL: All right, you may elude to it. Go ahead.

DELEGATE NUTTING: The motion that I would be

interested in, which would replace this motion, would be that a temporary committee be selected on rules and organization, to be disolved after presenting its final report to the Convention. That it consist of seven delegates to be nominated by the President and approved or disapproved by a majority vote of the Delegates. Its duties shall be to present a final report tomorrow, recommending various officers to be selected by the Convention, and the method of selection to be utilized, the names of all substantive committees now created, the number of delegates to make up each such committee, and such other matters as such committee believes to be pertinent to the organization of the Convention.

That such committee may have its own organization meeting during a brief recess of the Convention this day, so that it may select its own chairman and consider holding a committee hearing, and meeting in the Senate Chamber immediately following adjournment this day, or other procedures it may wish to utilize, and that it be permitted to utilize stenographic and clerical help from the staff of the Constitutional Convention Commission, or such other persons as it may wish to employ.

Now, I think this does what we're all trying to do, without---it would mean that there would be a temporary rules committee, which would come back and report. So, if

Mr. Felt's motion would prevail, I would be very happy to present this in substitution, and we would not---we would be operating under a clear set of rules when the Rules Committee reports back.

PRESIDENT GRAYBILL: The Chair is under the impression that similar motions are going to be made if these motions---when we clear up the matter of what rules we're under.

Now, we're still debating Mr. Felt's motion. Is there any more discussion?

(No reply.)

Are you ready for the question?

DELEGATES: Question.

PRESIDENT GRAYBILL: All right. The question, then, is on Mr. Felt's motion that we use Mason's Rules as the temporary rules until the Rules Committee meets and brings in, for our consideration, a separate set of rules for this Convention.

We'll use the voting machines, Mr. Marshall. All those in favor of Mr. Felt's motion vote "Aye", all those opposed vote "No".

Have all the Delegates voted? Do any of the Delegates wish to change their votes? The vote is now closed.

Mr. Marshall, will you tell us the result of the vote?

SECRETARY MARSHALL: Seventy-one have voted Aye and twenty-four have voted No.

PRESIDENT GRAYBILL: By your vote, we have adopted Mr. Felt's motion making Mason's Rules of Order the temporary rules of this Convention.

The Chair would now entertain a motion about the appointment of a Temporary Rules Committee so that we can get on with the job of making rules.

Mr. Blaylock.

DELEGATE BLAYLOCK: Mr. Chairman, Chet Blaylock, District 8. I move that the President appoint a Temporary Committee on Rules of Organization, and report to the afternoon session. The Committee to consist of three members of each party, the President acting as exofficio member.

PRESIDENT GRAYBILL: All right, you have heard Mr. Blaylock's motion that there be a committee of six, was that?

DELEGATE BLAYLOCK: Yes.

PRESIDENT GRAYBILL: Three from each party, with the President also to act on the committee, and to bring in rules to an afternoon session under which we could conduct the remainder of the preliminary business.

Now wait a minute. I want to find out if the other side wants to amend---or it's roughly the same thing as you

said, but is there any other amendments or motions?

DELEGATE MAHONEY: I just hate to be disenfranchised the first day.

PRESIDENT GRAYBILL: All right. First, I'll recognize Jeff Brazier.

DELEGATE BRAZIER: Mr. President, I offer a substitute motion that the Committee be a seven member committee, to be elected in its entirety from the delegation. A legal ballot in such election, as being one which does not include more than seven names of nominees.

The reason I suggest this method, is so that we can dispose of the matter with one ballot, and get on with other business.

PRESIDENT GRAYBILL: Now, if I understand you correctly, you're saying that we should elect them, but we would only allow seven people to be nominated?

DELEGATE BRAZIER: Well, there's no magic in any particular number, just so far as it's an odd number. What I'm getting at, is the problem that Mr. Mahoney has.

To be specific, it's a choice of whether the delegation itself---or the Convention itself---select this Committee, or whether the President appoints it. I just submit that it can be disposed of with one ballot.

We can take the nominations, and have everybody sign and file a ballot, with not more than seven names

among the nominees.

PRESIDENT GRAYBILL: Mr. Felt, we are now debating the amendment to Mr. Blaylock's motion, the amendment to be that we would have a ballot instead of appointed from the Chair, and that the ballot would be limited to seven names.

DELEGATE FELT: Well, whether it's an amendment or a substitute motion, I would like to speak on it.

I had originally intended to ask the gentleman, Mr. Blaylock, a question, but I think you have perhaps answered it.

I would, therefore, oppose the motion of the gentleman, Mr. Brazier, because I feel that it would be appropriate to have the President nominate the Delegates, and as long as the motion includes a spread upon party relationships, and I would anticipate, certainly, that this would properly cover other acts of trying to get a representative group on the Committee, but the one thing I hoped might be included, and it's too late for me to offer it as an amendment now, it would be simply that---well, it might be a rather routine procedure as to ratifying and confirming the nominations made by the Chair, and I would somewhat prefer to see the Floor holding the authority which it has, and exercising it, while delegating to the Chair the duty and the ability to make nominations, but that the Floor

would confirm this, and it could be done by voice vote, or any method desired.

So, if we reach the point where I would be able to offer this type of amendment to the motion made by the gentleman, Mr. Blaylock, I would contemplate doing so, and would support the motion if my amendment could be in.

PRESIDENT GRAYBILL: Is there other discussion about the substitute motion of having a ballot?

May I ask the Body if it would be appropriate if the Body knew whom the Chair would appoint to the Rules Committee, if it did appoint?

No one rising to speak to that, I would take it that there is no more discussion, and we'll vote on the amendment, which is that we have a ballot to select the Temporary Rules Committee of seven---are all seven to be elected, Mr. Brazier?

DELEGATE BRAZIER: That's the intention of my motion, Mr. President.

PRESIDENT GRAYBILL: May I ask another question, because the Chair is in genuine doubt as to whether you have any restrictions as to whether these all be in one party, or any number from any one party, or just the first seven that happen to get nominated.

DELEGATE BRAZIER: Well, the seven pulling the highest number of votes. I just had a feeling, with the

cross section of thinking in this delegation, there is no way we're going to have them all from one party.

PRESIDENT GRAYBILL: In other words, we can nominate as many as we want, is that true, but only seven are elected?

DELEGATE BRAZIER: Yes.

PRESIDENT GRAYBILL: All right. Now, I understand you.

So the point is, we are now voting on an amendment to elect the Temporary Rules Committee, the amendment to the original motion that the Chair appoint a Temporary Rules Committee, three from each party, and that the Chair sits as a member.

Is there any further discussion?

DELEGATES: Question.

PRESIDENT GRAYBILL: All right. We'll vote by the machine. All those voting in favor of the amendment, mainly to have the Temporary Rules Committee chosen by a ballot, the top seven to be selected, indicate by saying "Aye". All those opposing it vote "No".

Have all the Delegates voted?

SECRETARY MARSHALL: Not yet, sir.

PRESIDENT GRAYBILL: Have all the Delegates voted? Does any Delegate wish to change his vote? The vote is now closed. Will the Clerk tell us the vote?

SECRETARY MARSHALL: Mr. President, eighteen voted Aye, seventy-nine have voted No.

PRESIDENT GRAYBILL: The motion has failed.

Now, is there any further discussion on the original motion of Mr. Blaylock?

DELEGATE: Mr. President.

PRESIDENT GRAYBILL: Mr. Blaylock.

DELEGATE BLAYLOCK: I have no objection to Mr. Felt's point that the nominations be ratified by the Body.

PRESIDENT GRAYBILL: All right. You're putting that as an amendment, or a condition of your original motion?

DELEGATE BLAYLOCK: With the permission of the Convention, since I made the original motion, I should like to make that motion, so that this will be ratified by this Body.

DELEGATE: Mr. President.

PRESIDENT GRAYBILL: All right, Mr. Aasheim.

DELEGATE AASHEIM: The original motion specified three from the Republican and three from the Democratic Party. I just wonder if we aren't excluding from this motion---and I'd like to amend that motion to say, three from the Democratic Party and three from any other area that the Chair might wish to select.

PRESIDENT GRAYBILL: Very well, you have made an

amendment. Is there any discussion on the amendment? Mr. Harper.

DELEGATE HARPER: George Harper, District 12. I just think we ought to get something sort of out and on the boards right at first. The six of us who happen to be here as Independents are not another party. We also consider ourselves to be members of this Constitutional Convention. When the people of our district elected some delegates as Republicans, they did not send those people here to represent the Republican Party. They sent them to represent our district and likewise with the Democrats and the same way with us as Independents. They certainly did not send me as an Independent to represent myself, but to be a part of the whole district procedure.

Now, if this keeps up, in effect---that is, this idea of having bipartisan and meaning Republican and Democrats---those of us who are Independents may as well go home, or register as visitors in this kind of a delegation.

Now, I'll go to this point, though, I don't think we ought to always be classified as Republicans. Now, this tendency was shown yesterday when the Democrats assumed they would be against the rest of us, and I noticed that the Chairman once today said, "the other side". We do not want to consider ourselves as being the "other side" from the Democrats, and I don't know why we might not have

an Independent as one of the three Democrats who are on the Committee, as well as one of the three who are from outside.

I feel very keenly about this, and I don't want to prolong this session except to say that I think this kind of thinking betrays what most of us said when we were running for office, and this goes for most of you, that the sooner we get through with this business of mentioning parties, the sooner we get through this idea of caucusing, and going we and they, the sooner we can settle down and get the job done, and the much more attractive the outcome will be to the people of this State.

PRESIDENT GRAYBILL: All right. Any more discussion on the substitute---or the amendment, rather, which is that the Chair select three from each side---whatever that means?

DELEGATE: Mr. Graybill.

PRESIDENT GRAYBILL: Yes, sir.

DELEGATE: Delegate James. I think George has a very good point there. I think from now on, we should make appointments according to ability and talent. We are here to draft a constitution for the State of Montana, not a Democratic or Republican or an Independent. We have given you a vote of confidence, and you expressed during your campaign, you might say, the fact that you would conduct

this meeting in a fair way. We have given you this vote of confidence, and we feel it's up to you, and if we disagree, we'll let you know.

PRESIDENT GRAYBILL: Is there any further---Mrs. Pemberton.

DELEGATE PEMBERTON: Catherine Pemberton, District No. 1. I believe it was Mr. James over here who just spoke. I'd like to also call our attention to remembering the fact that we are eighty-one men and nineteen women, and we are all working towards the interests of Montana in this Convention, and I'd like to have us think that way from here on.

PRESIDENT GRAYBILL: Thank you, Mrs. Pemberton. Is there any other discussion on the amendment?

DELEGATE: Mr. Chairman.

PRESIDENT GRAYBILL: Yes, sir.

DELEGATE: I'm Bill Burkhardt from District 12. I rise to just try to clarify what, to me, has been a confusing procedure, and I'd like to know the length of tenure of the Temporary Committee. I would like to know the scope of their responsibility, and I'm just not certain. I'm hearing sentiments expressed that I agree with in terms of keeping this an open and nonpartisan and genuinely citizen-oriented work, and yet we're just getting tired enough that we're going to slip through and wonder later what we did,

and I'd like some clarification about precisely how long this Temporary Rules Committee will be functioning and precisely what the scope of its duties are and, now, just what the amendment really is.

PRESIDENT GRAYBILL: All right, the Chair would like to say, in his opinion at the moment, subject to change, the idea is to elect a Temporary Rules Committee to come up with rules which would allow us to proceed to pick a Vice-President and other necessary officers, and to organize committees, and carry us through what we all understand is the first two or three days here.

At that time, or later on, a regular Rules Committee will be adopted and the regular Rules Committee will, in my opinion, have the duty of determining how we will proceed when we get to the assembly part next January, how things will be done. All of that business will be done later.

This is only to facilitate the setup, and it really isn't a matter of temporary, it s a matter of this Rules Committee will set up the first rules for our organization, and later on, the later Rules Committee would set up the operational rules under which we act now.

That is the way I see it, and I'm perfectly willing to hear discussion, but that is what I think we are trying to do now.

Is there other discussion? Mr. Romney, I'm going to recognize the lady.

DELEGATE: Mae Nan Robinson, District 18. I would like to offer an amendment to Mr. Blaylock's motion, that the Chair nominate a Temporary Rules Committee composed of seven people to be nominated without reference to party or any other consideration, other than ability.

PRESIDENT GRAYBILL: I think the Chair will temporarily rule your motion out of order, until we have disposed of the matter---we have an amendment here, and your amendment is not to the amendment itself, it's an amendment to the original motion. Do you follow me?

DELEGATE ROBINSON: Yes.

PRESIDENT GRAYBILL: Stand up again, if you want to, but let's dispose of Mr. Aasheim's amendment, which is whether or not the Chair is to pick three Republicans or three from the "other side".

DELEGATE: Mr. Chairman.

PRESIDENT GRAYBILL: Yes, Mr. Aasheim.

DELEGATE AASHEIM: Magnus Aasheim from District 4. I sense the sentiment of the group, and I would like to withdraw my motion.

PRESIDENT GRAYBILL: Is there any objection to the withdrawal of the motion?

(No reply.)

All right, the motion is withdrawn.

Now, we're back to Mr. Blaylock's motion that the Chair appoint three Democrats and three Republicans and that the Chair sit with them to make a Committee of seven.

Now, I'll hear from the delegate from---Mrs. Robinson from Missoula.

DELEGATE ROBINSON: I would like to offer that the Chair nominate seven members to the Temporary Rules Committee without reference to party designation.

PRESIDENT GRAYBILL: All right, the motion has been made that the Chair, as a substitute---no, as an amendment to Mr. Blaylock's motion, that the Chair nominate seven members to a Temporary Rules Committee.

Is there discussion on that motion? Yes.

DELEGATE: I believe that she meant appoint---excuse me, Rod Hanson, District 15. I believe she meant appoint instead of nominate.

PRESIDENT GRAYBILL: Well, I think the sense of Mr. Blaylock's amendment is that whatever I do, will be put before this Body for ratification, so I think she really means nominate, and then if you agree with the group I select, fine, and if not, we start over.

DELEGATE ROBINSON: I really mean nominate.

PRESIDENT GRAYBILL: She really means nominate, Mr. Hanson.

Are there other Delegates wishing to discuss the amendment which would have the Chair nominate seven members?

(No reply.)

If not, we'll proceed to vote on the amendment, which is that the Chair appoint seven members to a Temporary Rules Committee, with it understood that the Temporary Rules Committee is operating only to set up organizational rules, and that this Temporary Rules Committee, when the Chair has made the appointments, will be submitted to you for your ratification, and the Chair is not now, at the moment, bound by party designation by this motion.

Are you ready to vote?

DELEGATES: Question.

PRESIDENT GRAYBILL: The vote is open. Those in favor of the motion say "Aye", those opposed vote "No". Have all the Delegates voted? Does any Delegate wish to change his vote? If not, the vote is closed.

SECRETARY MARSHALL: Mr. President, ninety-one have voted Aye, seven voted No.

PRESIDENT GRAYBILL: Well, then, the motion is carried. The vote has carried in favor of the motion making it the Chair's obligation to nominate seven members of this Body to a Temporary Rules Committee.

Yes, sir.

DELEGATE CATE: Mr. President, the last two or

three votes haven't shown on the board up here. The last two votes haven't shown.

PRESIDENT GRAYBILL: I guess, Mr. Marshall, unless we direct you otherwise, we would like to see our votes go up in lights.

I think---if the Chair may have just a moment.

All right, the Chair would nominate the following members to the Rules Committee, and none are to be designated by me as Chairman because that wasn't in the motion. First, Joe Eskildsen; second, Margaret Warden; third, Miles Romney; fourth, Tom Joyce; fifth, Tom Ask; sixth, Marshall Murray; Seventh, John Toole.

The Chair is mindful that it didn't have to do anything, and that there are all types of people here, but that's what I nominated. It looks to me like it would be a good list, and I submit it to you.

The Chair would not entertain a motion that we put it before this Body, and this group see if it wants to ratify or not.

DELEGATE FELT: Mr. President.

PRESIDENT GRAYBILL: Mr. Felt.

DELEGATE FELT: I move the Body approve the nominations made by the President, and I'll just mention now, that I would hope after this, that perhaps in line with comments that have come from different members of the Floor,

perhaps Mr. Nutting might make a motion including the miscellaneous questions on the proposal dealing with the duties and term of office and the various details of the function of that Committee.

I now move that we approve the nominations made by the President.

PRESIDENT GRAYBILL: All right, Mr. Champoux. You were on your feet, do you have anything to say?

DELEGATE CHAMPOUX: Nothing but to say that I came here to Montana with a Boston accent, and I second his motion.

PRESIDENT GRAYBILL: All right, the motion has been made and seconded that the Chair's nominees be ratified by the Convention as the Temporary Rules Committee to set up the operational rules under which we would operate for the balance of our initial term here, between now and the next two or three days when we adjourn until January.

Does everybody understand the sense of the motion?

(No reply.)

All right, is there discussion?

DELEGATES: Question.

PRESIDENT GRAYBILL: Come on, aren't you going to discuss it? All right. You're ready for the question. We'll take a vote on the machine. The vote is now open.

Those in favor of Mr. Felt's motion that the Chair's nominees to the Temporary Rules Committee be sustained, or ratified vote "Aye", those opposed vote "No".

Have all the Delegates voted? Do any of the Delegates wish to change their vote? Now we'll close the vote. Will the Clerk show the vote?

SECRETARY MARSHALL: Mr. President, ninety-six Delegates have voted Aye, none have voted No.

PRESIDENT GRAYBILL: Now, we are getting more bipartisan all the time.

Okay. That's the Temporary Rules Committee, then, and I would like to ask that the Temporary Rules Committee remain after we adjourn, or after we recess---maybe over here in the right-hand corner---to pick a time and place when they can meet this day.

Now, the hour is getting late. The Chair will recognize---all right, Delegate Nutting.

DELEGATE NUTTING: Delegate Nutting, District 7. I move that the Temporary Committee be dissolved after its final report to the Convention. That the Committee's duties shall be to present a final report recommending the various officers to be selected by the Convention and the method of selection to be utilized, the names of all substantive standing committees to be now created, the number of Delegates to make up each such committee, and such

other matters as the Committee believes to be pertinent to the organization of the Convention. That such Committee will have its own organization meeting during a brief recess of the Convention this day, so that it may select its own chairman and consider holding a committee hearing and meeting in the Senate Chamber immediately following adjournment this day, or such other proceedings as it may wish to utilize, and that it may be permitted the use of the stenographic and clerical help from the staff of the Constitutional Convention Commission, or such other persons as it may employ.

PRESIDENT GRAYBILL: Mr. Nutting, first of all, the Clerk would like a copy of your motion which, I take it, you can supply them.

DELEGATE NUTTING: May I ask for clarification from the Chair?

PRESIDENT GRAYBILL: Yes.

DELEGATE NUTTING: You listed substantive committees. May this Rules Committee also deal with procedural committees? Can we get that out of the way?

PRESIDENT GRAYBILL: Yes.

DELEGATE NUTTING: It says and such other committees.

PRESIDENT GRAYBILL: All right, you have heard the motion, which is to tell this Rules Committee what to do

and to get them started. Is there a second? Mr. Romney.

DELEGATE ROMNEY: I note that the hour is getting late and the stomach is speaking up. The proposal sounds good to me, but it's long. I think it would be wise to have it reproduced so that all Delegates may have possession of it and we can take action on it after the recess.

PRESIDENT GRAYBILL: Now, Mr. Romney, I don't understand what you mean. You mean we would not vote on it now, or that we would have it reproduced even though we vote on it?

DELEGATE ROMNEY: I would like to know what I'm voting on. I think it should be reproduced so we would be able to ponder it, and then we can proceed. So, I move that we have it reproduced and that we consider it after the recess.

PRESIDENT GRAYBILL: May I ask you a question, Mr. Romney? Is it your understanding that the Committee could still get together and meet, or are they powerless until we---

DELEGATE ROMNEY: If everybody is aware that this will be before us, about all we can do now is to get together and decide when we are going to meet and where.

PRESIDENT GRAYBILL: All right---

DELEGATE ROMNEY: In the mean time, we're operating---have been operating in a vacuum without any rules.

PRESIDENT GRAYBILL: Well, we've got rules, now, but no Rules Committee, but the Chair understands that there was an amendment to the motion, so there is an amendment that the motion be made available to the Delegates and that they will not consider it at this time.

Is there any discussion on the amendment?

(No reply.)

All right, we'll open the vote. All in favor of the amendment that we have this reproduced and then we vote later on the duties of the Rules Committee, or the outline of what the Rules Committee can do, please vote "Aye". All those opposing that motion vote "No". The vote is open.

Have all the Delegates voted? Do any Delegates wish to change their vote? The vote is closed. Will the Clerk announce the vote?

SECRETARY MARSHALL: Mr. President, fifty-two have voted No, forty-two have voted Aye.

PRESIDENT GRAYBILL: All right, the amendment has failed. We are now considering Mr. Nutting's original motion that we direct the Rules Committee, according to the tenor of his motion, to proceed and report back to us. Is there any further discussion?

DELEGATE: Mr. Chairman.

PRESIDENT GRAYBILL: Mr. Aasheim.

DELEGATE AASHEIM: Magnus Aasheim, District 4. The hour is getting late, as Miles Romney said. This is a rather lengthy resolution, and in view of the dinner hour, I move that we recess, subject to the call of the Chair.

PRESIDENT GRAYBILL: The motion has been made that we recess, subject to the call of the Chair. No one is required to second. Is there any discussion? It's non-debatable. All right, it's amendable, but not debatable. Any amendments? If not, we'll vote now. The vote is now open on whether or not to recess, subject to the call of the Chair.

DELEGATE FELT: Mr. Chairman, a point of order--- or a point of information. I would like to know if that clock is one hour off, or my watch is an hour off.

SECRETARY MARSHALL: That clock hasn't worked in ten years, Mr. Felt, you know that.

DELEGATE FELT: Mr. Marshall, you also know that you have to put your question, sometimes, in a rather ridiculous manner to get to the point. Everyone's looking at that clock and saying it's late.

PRESIDENT GRAYBILL: It's 12:25.

All right. Now the vote is now open on whether or not to recess, subject to the call of the Chair, and those in favor of that motion vote "Aye", and those opposed to that motion vote "Nay".

Have all the Delegates voted? Does any Delegate wish to change his vote? The vote is now closed. Will the Clerk announce the vote on recessing?

SECRETARY MARSHALL: Mr. President, sixty-two have voted Aye, thirty-five have voted No.

PRESIDENT GRAYBILL: The Chair would like to announce that it will attempt to see if we can't get these matters straightened out, and we probably will have a call of the Convention yet this afternoon, so don't go away. I guess we stand in recess.

What time? All right, the Chair would say about 3:30. We are in recess until 3:30.

(Whereupon, the Convention was recessed at 12:30 o'clock p.m. until 3:30 o'clock p.m. the same day.)

AFTERNOON SESSION

November 29, 1971 3:40 o'clock p.m.

PRESIDENT GRAYBILL: Will the Delegates please now be in order.

Has the Temporary Rules Committee returned to the Floor?

Mr. Marshall, do I understand that you have been designated---Mr. Murray, pardon me. Marshall Murray.

DELEGATE MURRAY: Mr. President, the Rules Committee---the Temporary Rules Committee has met and I would like to report that I was elected the Chairman of that Committee and Leslie Joe Eskildsen has been elected the Vice-Chairman of that Committee, and I move the adoption of that Committee report---I guess we don't need to move that adoption.

PRESIDENT GRAYBILL: All right, hearing no objection, we'll assume that you are the Chairman and that Mr. Eskildsen is the Vice-Chairman.

DELEGATE MURRAY: Thank you. All right, now for the next matter. I think there is some doubt as to whether or not there is a motion before the Convention.

PRESIDENT GRAYBILL: Mr. Marshall informs me there is no motion, but that the matter to be handled here could be handled, perhaps, at the end of the day as to the

directions to the Rules Committee as to what to do with your final report.

DELEGATE MURRAY: For the rest of my report, then, and in order to alleviate any doubt, I would request that Mr. Nutting withdraw his motion if, in fact, he has made it.

PRESIDENT GRAYBILL: Mr. Nutting.

DELEGATE NUTTING: Mr. Chairman, I withdraw my motion until a future date.

PRESIDENT GRAYBILL: All right. Now, Mr. Murray, do you have a report from the Temporary Rules Committee on the problem of the Vice-Presidency, or the officers?

DELEGATE MURRAY: Mr. President, let me explain how we went about this.

We discussed the matter of the Procedural Committees and the matter of the Substantive Committees first, and arrived at a result. We also arrived at a recommendation regarding the appointment of those committees.

Now, we understand that after doing so, that it is the interest of the President of this Convention to have the statutory vice-president elected so that these committees could be selected, if they are adopted or accepted by this Convention.

In this respect, we ran out of time. It is the concensus of the Temporary Rules Committee that there should

be three elected vice-presidents. We could not determine their specific duties within the time limit of our meeting and, therefore, it is the report of this Committee, at this time, that the Convention shall elect a First Vice-President, or the Statutory Vice-President, who shall have such duties as the President assigns during the three-day organizational meeting, and I move the adoption of that Committee report.

Now, may I speak to it for just a moment?

PRESIDENT GRAYBILL: May I make one request for clarification? Do I assume, then, that when the Committee finally reports, it will have come in with some duties for this Vice-President, permanently?

DELEGATE MURRAY: We are in doubt as to that.

PRESIDENT GRAYBILL: In any event, at the moment, you want to get him elected?

DELEGATE MURRAY: At the moment, it is the concensus of the Committee that we would like to have the Vice-President referred to in the Enabling Act elected so that he can meet with the President and they can perform the functions of appointing the various members to the committees.

PRESIDENT GRAYBILL: Could the Chair understand that he, at least, would have the duties assigned him by the Enabling Act, of taking over if anything happens to me?

DELEGATE MURRAY: At least those duties, yes. We contemplate that.

PRESIDENT GRAYBILL: Now, that's your motion. Do you wish to speak to the motion, Mr. Murray?

DELEGATE MURRAY: No. With that explanation, I think that's sufficient.

PRESIDENT GRAYBILL: All right. You have heard the motion of the Chairman of the Temporary Rules Committee that we proceed to elect the Statutory Vice-President, that he have such duties as the President assigns him for the three-day period, that he have, certainly, the statutory duty of replacing the President in the occasion of my sickness or absence, and that the Rules Committee will come up with other rules for the remainder of the officers at a later date.

Is there any discussion about this proposed rule---or this proposed resolution by the Rules Committee?

(No reply.)

Are you ready for the question? Mrs. Payne.

DELEGATE PAYNE: Do I understand Mr. Murray correctly to say that you are going to elect three Vice-Presidents? Is this what you recommended?

PRESIDENT GRAYBILL: I'll give you Mr. Murray.

DELEGATE MURRAY: Mr. President, Mrs. Payne, it is the concensus of this Committee, and I'm sure this Committee

will eventually report out the recommendation, that this Convention elect three Vice-Presidents.

DELEGATE PAYNE: But at this particular time, it would just be voting on whether or not to just elect one?

DELEGATE MURRAY: That's correct.

PRESIDENT GRAYBILL: Is there other discussion on the resolution? Mr. Berg.

DELEGATE BERG: Mr. President, Ben Berg from District 11. I should like to inquire as to whether the First Vice-President is to join with the President in its selection of Committees, or do I misunderstand that?

DELEGATE MURRAY: Under my suggestion, that is true because I move that he shall have such duties as the President assigns him, and by that, I mean after talking with the President, that he wants the Vice-President to meet with him so that the committee assignments can be made.

DELEGATE BERG: So this is at least one duty that will now be undertaken by the First Vice-President?

DELEGATE MURRAY: Yes.

DELEGATE BERG: And other duties are to be assigned by the Committee on Rules later?

DELEGATE MURRAY: The recommendation will be made by the Committee later. We're in doubt as to whether each of the Vice-Presidents, as in the case of one of the Conventions, should have the duties assigned by the President,

or whether the rules themselves should spell out their duties, and we're trying to iron that out amongst us.

PRESIDENT GRAYBILL: The President will announce that it will be his intention to confer with such a Vice-President on any committees that were appointed, if the Chair had anything to do with those committee appointments.

Is there further discussion? Mr. Felt.

DELEGATE FELT: Your last comment may have clarified the question I had because I did not recall, at least, whether we had given authority for committee assignments to any person, President, Vice-President, committee, or any group, but it seemed to be assumed that both would have powers, but that really has never been acted upon, and there actually could certainly be some question.

PRESIDENT GRAYBILL: I think you're correct that I, certainly, have no power to do that, and we'll see what they come in with, but if I do have any power to do that, then I'm going to confer with the Vice-President on that.

Mr. Murray.

DELEGATE MURRAY: Mr. President, with respect to the question of Mr. Felt, we considered that, and that is why this motion contains the language "such duties as the President assigns him", because we are about to take up the other issue. We have a recommendation with respect to the appointment of committees.

PRESIDENT GRAYBILL: All right, is there further discussion on the motion?

(No reply.)

Are you ready for the question?

DELEGATES: Question.

PRESIDENT GRAYBILL: All right, we're voting on the Temporary Rules Committee's first resolution, that we proceed to elect a First Vice-President, who would have the statutory duties, who would have such other duties as are assigned by the President during the first three-day session, and the President has already indicated that this would include going over committees with the First Vice-President, if the Chairman has any such right, and that we proceed after we approve this, to elect such a Vice-President.

The vote will now be taken by the machine. The vote is open. Those in favor of the resolution vote "Aye", those opposed to the resolution vote "No".

Have all the Delegates voted? Do any Delegates wish to change their votes? If not, the Chair will close the vote. Mr. Clerk, will you tally the votes?

SECRETARY MARSHALL: Mr. President, ninety-nine Delegates have voted Aye, none voting No.

PRESIDENT GRAYBILL: Very well. I take it that the Convention, then, is ready to proceed to the nominations

for First Vice-President---Statutory First Vice-President.

Nominations for Statutory First Vice-President? Mrs. Robinson.

DELEGATE ROBINSON: Mae Nan Robinson from District 18. The Delegates of this Constitutional Convention are, for the first time, representing a new constituency in Montana. That constituency is the eighteen, nineteen and twenty year-olds who were given the privilege to vote. It is my hope, that this Convention will see fit to involve the youth of this State in the formulation of this Constitution at all phases and in all aspects.

In judging from the number of young Delegates in this Convention, it is further my hope that the Convention will see fit to grant some positions of responsibility to some of the younger Delegates.

At this time, I would like to nominate, for the office of Vice-Presidency of this Convention, a man who has gained the respect and trust of both the young and old. And in nominating this person, I would like to read a letter that appeared in the Missoulian November 12th. This letter was written by a Mr. Ed Bursette, an unsuccessful Democratic candidate for the Constitutional Convention. the letter reads:

"The voters of District 18 have selected an excellent slate of candidates. The leading candidate in the

primary was John Toole. The leading candidate in the general election was John Toole.

"All delegates trying for the Convention favored a Convention that would be nonpartisan. John Toole has acquired the qualifications for the selection as the presiding officer of the Convention. He has experience in government, the ability to get along with people, and is fair-minded in his dealing with others. I sincerely hope that our Delegates will start at once to promote John Toole for the prestigeous office of Chairman of the Constitutional Convention."

As a delegate of Missoula County, District 18, I would urge you to support John Toole, a man who will unite rather than divide this Convention, a man who will lead rather than push, a man who will speak rather than shout, a man who has put Montana above party and above political ambition. I present John Toole, a man for Montana.

PRESIDENT GRAYBILL: If any of you are seconding, I'd like to know that.

DELEGATE: Mr. President.

PRESIDENT GRAYBILL: Mr. Schiltz.

DELEGATE: Mr. President, a point of order.

PRESIDENT GRAYBILL: Excuse me, I'll take the point of order.

DELEGATE: Mr. President---

PRESIDENT GRAYBILL: State your name and---

DELEGATE: Maurice Driscoll, District 20. Before we go any further with the proceedings of this Convention, I think we should do it legally. We have one Delegate who has not yet been sworn in, and is participating in the organization of the Convention.

PRESIDENT GRAYBILL: The Delegate Mr. Dahood has seen the Chair and has been sworn in by the Chief Justice and filed his Affidavit. I'm sorry that I did not announce it, but the records from this time forth should show that it has been done, and we aren't going to let him vote unless he did it, but he did it, so we're okay, Mr. Driscoll.

Now, Mr. Schiltz.

DELEGATE SCHILTZ: Mr. President, it's with a great deal of pleasure that I have this opportunity to second the nomination so eloquently made by the lady from whatever district Missoula is in.

I have known John Toole for almost thirty-five years. I am going to be very brief and I'm going to say the best thing I can say about any human being, in my opinion, and that is that he has the absolute honesty and the absolute integrity to do the job that this Convention needs at this time to project ourselves as a serious and a good body, and it's with a great deal of pleasure that I second the nomination.

PRESIDENT GRAYBILL: Thank you. The delegate---

DELEGATE: Bob Campbell, District 18 in Missoula.

PRESIDENT GRAYBILL: Yes, Mr. Campbell.

DELEGATE CAMPBELL: I'm a Democratic candidate from Missoula, and I would also like to second the nomination of John Toole.

The Toole family, of course, since the beginning of Montana history, has been very active in public service, and John has continued his fine family tradition through his service to the State, to the county and to the local governments.

As a Republican, he is endorsed by every organization and group in Missoula, including labor. We feel that his past service and his capabilities and his personal integrity cannot be questioned, and it gives me great pride to second that nomination, and personally recommend that he be elected by this Convention.

PRESIDENT GRAYBILL: Are there other nominations for the office of First Vice-President? Mr. Nutting.

DELEGATE NUTTING: Mr. Chairman, I'm not going to belabor the point, as you all heard Sterling Rygg speak yesterday and you're familiar with his views, and he is interested in being a candidate for Vice-President, and I would like to place in nomination the name of Sterling Rygg from Kalispell.

PRESIDENT GRAYBILL: Are there seconds for Sterling Rygg? Seconds are not required, but are there seconds?

All right, are there further nominations for the office of First Vice-President? Are there further nominations for the office of Vice-President? Mr. Kelleher.

DELEGATE KELLEHER: Delegate Kelleher from District 8. Mr. President, there is a young man who made a terrific impression on me the first time I met him in 1964, and in the seven years since that time, I have only grown to greater appreciate his integrity, his honesty and his capabilities, and that man is Marshall Murray of Kalispell, and I'd like to nominate him for the office of First Vice-President.

PRESIDENT GRAYBILL: Marshall Murray has been nominated, are there further seconds?

DELEGATE MURRAY: Mr. President.

PRESIDENT GRAYBILL: Mr. Murray, I'll recognize you.

DELEGATE MURRAY: I'm flattered by this nomination, but it is not my desire to serve in this capacity, and therefore, I respectfully withdraw.

PRESIDENT GRAYBILL: Mr. Murray has withdrawn his name.

Are there further nominations for First Vice-President of the Constitutional Convention? Mr. Cate.

DELEGATE CATE: I would move that the nominations be closed.

PRESIDENT GRAYBILL: All right, just a moment. I don't want to cut it off. I'd like to say three times, are there any further nominations?

DELEGATE: Mr. President.

PRESIDENT GRAYBILL: Mr. Driscoll.

DELEGATE: Dave Drum, District 8.

PRESIDENT GRAYBILL: Oh, Dave Drum. Excuse me.

DELEGATE DRUM: That's okay. Before the nominations are closed, it appears that no more nominations are going to be made, and I would request, on behalf of a concensus of non-Democratic Delegates, that this unorganized group be allowed the use of the voting machine as a method of selecting a Vice-President of this Convention.

As a courtesy to this group, we would request that the Democrats present abstain from voting, and that only the totals for each candidate, as indicated by an Aye vote on the voting machine, be read as the total. The machine would then be cleared and the next candidate voted upon.

The non-Democratic Delegates, which include those identified as Independents, are invited to partake in this voting, and we hope that they will include themselves.

We feel that a principle is involved here, and the

secret ballot has been one that we have revered for many years, and we feel that it is applicable in this case, and we would appreciate this courtesy from the Party.

PRESIDENT GRAYBILL: All right, Mr. Drum, if I understand the sense of your suggestion, or your motion---is it a motion? Let's make it a suggestion a minute. It is, that the Democratic members let the Republican and Independent members vote independently on this matter and abstain, and then if that's allowed, you want to use the voting machine and, I take it---do you want to use the voting machine once for one candidate and once for the next candidate?

DELEGATE DRUM: Yes.

PRESIDENT GRAYBILL: All right, now that we understand that, and before we make a motion on it, the Chair would like to have the sense of any Democratic Delegates here as to whether there is any Democratic Delegate that objects to abstaining on this expression of opinion by the Republican Party while we're in the House, so that they don't have to move over to the Senate and do this.

Hearing no objection---oh, wait a minute. Mr. Cate, do you want to talk? I'm looking for Democrats, Mr. Habedank.

DELEGATE CATE: I really thought George Harper would get up on this, but aren't we getting back to this thing

we've been trying to get away from, this division on the basis of parties? I'd like you to consider that, Mr. Drum. I think we're just aggravating the situation by making that type of division.

The opportunity was presented to the Republicans to caucus if they wanted to, and they didn't take advantage of that opportunity, and I would like to have the opportunity to cast a vote for Vice-President for John Toole. Thank you.

PRESIDENT GRAYBILL: Let me ask this question: Are there any Republican or Independent members here who object to this procedure?

DELEGATE: Mr. Chairman.

PRESIDENT GRAYBILL: Mr. Habedank.

DELEGATE HABEDANK: There is one Republican member here who objects. I think it's about time we buried the hatchet as far as partisan politics are concerned, and I'm perfectly willing for this Body as a whole to elect whoever they see fit to Vice-President.

DELEGATE: Mr. President.

PRESIDENT GRAYBILL: Mr. Berg.

DELEGATE BERG: As a Republican, I want to see all officers of this Convention elected by all Delegates.

PRESIDENT GRAYBILL: All right, we have heard from you---Mr. Mahoney.

DELEGATE MAHONEY: I agree with Mr. Berg, that we don't want any more division, and with all due respect to Mr. Drum's remarks, I would like to see it one vote because we have got to have it seconded and we can't be---and I would question---I would think this is probably poor strategy.

PRESIDENT GRAYBILL: Mr. Gysler.

DELEGATE GYSLER: Erv Gysler, District 13. I would just like to second the last three statements that have been made. I think that the faster we forget any party designations in our deliberations and everything, the better off we will be.

DELEGATE: Mr. President.

PRESIDENT GRAYBILL: Delegate Dahood.

DELEGATE DAHOOD: Mr. President, I'm a Republican from District 19, and I agree with my fellow Republicans who have indicated that the entire assembly should vote on the candidate for Vice-President. I think that the man who nominated John Toole from Missoula is an excellent choice, and I think the entire delegation should have the privilege of voting upon his candidacy.

PRESIDENT GRAYBILL: Mr. Davis.

DELEGATE DAVIS: Carl Davis, District 21. As long as this matter is before the Floor, let's give some serious consideration to not having any more caucuses throughout

this entire Convention.

PRESIDENT GRAYBILL: All right. Now, we had a suggestion which was not made in the form of a motion, and the Chair certainly does not want to stop it from being made in the form of a motion.

The Chair, without expressing any opinion as to whether either side is right, I'm perfectly willing to entertain a motion from the Republicans for a recess, if you do want to caucus, or it's perfectly willing to go ahead.

Do any Republicans want to make a motion one way or the other?

If none are made, the Chair will proceed and ballot the whole group. If you want to make a motion to do what you suggested, Mr. Drum, or if you want to make a motion to recess, somebody do it.

DELEGATES: Question.

PRESIDENT GRAYBILL: I take it from the "question", the fact that some of you are ready for the question, and that we can go ahead and vote the whole delegation---the whole Convention on Mr. Toole and Mr. Rygg as candidates for First Vice-President.

Are you ready for the question?

DELEGATES: Question.

PRESIDENT GRAYBILL: All right. Now the Chair, then, is ready to put the issue of Mr. Toole or Mr. Rygg

for the First Vice-President, and I would think that in line with what we did this morning, then, that the way we would do it, is on roll call vote, and the members would answer by stating the name of the candidate for which they wish to vote. Now, that's what the Chair is, at the moment, considering doing.

Mr. Arbanas.

DELEGATE ARBANAS: Delegate Arbanas from District 13. I'd like to make a suggestion to the Chair. I know neither of these gentlemen, and I would appreciate a chance to have them speak to this Assembly for a short moment, to make a responsible judgment.

PRESIDENT GRAYBILL: Both of these members spoke yesterday at the caucus; however, I would certainly be willing to have both of them stand.

Are you, Mr. Rygg, on that issue?

DELEGATE RYGG: On that issue, would it be in order for me to withdraw my name now? I think we could save a lot of time and it would be in the best interest---

PRESIDENT GRAYBILL: We always like to hear those withdrawals, Mr. Rygg.

DELEGATE RYGG: I think it would be in the best interest for me and everybody to give it to Mr. Toole, and if I could withdraw from that, I would do so now.

PRESIDENT GRAYBILL: Let's see. Mr. Rygg was

nominated by Mr. Nutting. Now, Mr. Nutting, would you consent to the withdrawal? There's been quite a lot of time go by, but I don't want to put you in a bad position.

DELEGATE NUTTING: I defer to Mr. Rygg's judgment.

PRESIDENT GRAYBILL: Mr. Rygg, do I understand that you would now like to withdraw as a candidate?

DELEGATE RYGG: Yes, that's right, and I would give it to Mr. Toole.

One other thing, Mr. President, while I have this mike in my hand, I have a reason for getting it. I thought I should get up once and use it before my seatmate wore it out, so I'd just like to have the opportunity to try it.

PRESIDENT GRAYBILL: Mrs. Robinson, would you care to make a motion to cast a unanimous ballot of this Convention in favor of your nominated candidate?

DELEGATE ROBINSON: It would give me great pleasure to make a motion to cast a unanimous ballot of this entire Constitutional Convention for Mr. John H. Toole as our First Vice-President.

PRESIDENT GRAYBILL: All right. You have heard the motion, which is to cast a unanimous ballot of this Convention for John Toole for First Vice-President of the Montana Constitutional Convention.

The Chair will open the voting, and those in favor

of that motion vote "Aye", and those against that motion vote "No".

Have you completed voting? Have all the Delegates voted? Does any Delegate want to change his vote? The Chair will close the vote. Mr. Clerk, will you tally the votes for the motion?

SECRETARY MARSHALL: Mr. President, ninety-five Delegates have voted Aye, none voting No.

PRESIDENT GRAYBILL: The motion having been sustained ninety-five to zero, the Chair will request that the record of this Convention show on a roll call issue, a unanimous vote of this Convention for John Toole for First Vice-President.

SECRETARY MARSHALL: As Temporary Secretary of this Convention, I hereby cast a unanimous ballot for John Toole of Missoula for Vice-President, a Montana Delegate for the Constitutional Convention. John Toole.

PRESIDENT GRAYBILL: The Chair would ask that Delegate Otto Habedank and Delegate George James escort Mr. Toole to the podium for introduction.

John, it's my sincere pleasure to congratulate you on that, and I would like to present to the Convention, John Toole, who has been elected your First Vice-President. And John, bearing in mind that we're all going somewhere tonight, would you care to say a word or two to the

Convention?

DELEGATE TOOLE: Mr. President, it would be only a word or two. I'm really overwhelmed by all of this, I'm humble and proud, and I'll do my very best, and thank you all so very much.

DELEGATE: Mr. President.

PRESIDENT GRAYBILL: Mr. Blaylock.

DELEGATE BLAYLOCK: Chet Blaylock, District 8. If it is in order at this time, I should like to move that the Delegates to this Assembly remain seated in alphabetical order, as we are now.

PRESIDENT GRAYBILL: The Chair is considering a report of the Rules Committee, and we're only partly through it; however, before we adjourn tonight, I would call upon you, Mr. Blaylock, to make such a motion so that we would know what to do tomorrow morning.

So, if you would withdraw your motion temporarily, we'll consider it and we'll continue with the Rules Committee, and when we finish and before we adjourn---or before we recess, we'll come back to you.

DELEGATE BLAYLOCK: I'll withdraw it, then.

PRESIDENT GRAYBILL: All right, then, now back to Mr. Murray, the Chairman of the Temporary Rules Committee. Have you a second part of your first report concerning committees for this Convention? Mr. Murray.

DELEGATE MURRAY: Mr. President, we your Temporary Committee on Rules of Organization, respectfully report as follows. The following committees were established as permanent committees of the Convention. Procedural Committees:

Administrative.

Rules and Resolution.

Public Information.

Style, Drafting and Transition.

Substantive Committees:

Bill of Rights, Suffrage and Elections.

Legislature.

Executive.

Judiciary.

Local Government.

Revenue and Finance.

Education.

Public Health, Welfare and Labor.

Natural Resources and Agriculture.

General Government and Constitutional Amendment.

Now, let me go through those again---

PRESIDENT GRAYBILL: Now, Mr. Murray, may the Chair observe for the Delegates, that the Committee has caused to be printed, these sheets on which you have indicated preferences. Now, I want it clear that by handing these out,

we are not suggesting that these are the final or official committees until this body has acted upon them, but we want you to be able to look at them and have them in your hand.

We may amend them or we may change them, we may add or substract to them, but at least this will give everybody in his hand, an idea of what the committees are, and then when we have finished adopting what the committees will be, you can amend those sheets in your hand and then you can write in the names of the committees you want to be on before we leave tonight. But, there is no suggestion, as I understand it, from the Rules Committee, and that this is their proposal, and you don't have to adopt it this way, this is just so you can see what you're doing.

Okay, Mr. Murray.

DELEGATE MURRAY: Mr. President, as the Committee of Rules, we move for the adoption of this Committee report. And now may I speak to that motion, please?

With the assistance of Dale Harris, we analyzed, as all of us I'm sure have done since we became candidates for this Constitutional Convention, the various material given to us---furnished to us with respect to what other conventions have done relative to Procedural Committees and Substantive Committees, and have attempted to weigh, as best we can, the problems inherent in the State of

Montana and in our existing Constitution.

We feel that the Procedural Committees, as such, are relatively standard. The Administrative Committee would be the housekeeping committee, related to the operation of the Convention, and the hiring and the firing of the staff, and this sort of detail.

The Rules and Regulations Committee would be doing that work that this temporary committee is now doing.

The Public Information Committee is the committee which we envision---and other states have envisioned---as being the committee which assumes the responsibility of conveying to the public, the work and the progress of the Convention itself.

And the committee entitled Style, Drafting and Transition has to do with, we hope, the spirit of the document itself, the language and the drafting of each of the sections and articles involved. And the word "Transition", we trust, has to do with the dovetailing of all these provisions into one document, and the matters related to the transition of that document, and how it might relate to various statutory provisions which presently exist---or should exist---after the adoption of the Constitution, if it's adopted.

Now, are there any questions with respect to those four committees that we entitled Procedural Committees?

PRESIDENT GRAYBILL: Questions on the Procedural Committees?

(No reply.)

DELEGATE MURRAY: There being none, let me discuss, briefly, the Substantive Committees.

First of all, we recognize that this Convention will have a great deal of work on some matters, and not so much on others. Now, we have attempted to design these committees so that they will, as much as possible, have, each of them, a substantial work load, and so that none of them will be considered to be light work loads, or unimportant, or uninteresting committees to serve on.

And, we considered, with respect to the Bill of Rights, Suffrage and Elections, that these matters can be handled under one committee. Certainly the Legislature itself, the Executive, the Judiciary, Local Government, Revenue and Finance, and Education speak for themselves.

Public Health, Welfare and Labor is a committee which we designed after looking at the various committees proposed and used in other states, feeling---and after discussion with Dale Harris---that they are all matters that this Committee could well consider, and that it might be a significant committee by itself.

Natural Resources and Agriculture has been suggested by us because of the considerable interest, in our area and

others, according to the Temporary Rules Committee during the campaign, with respect to natural resources and we felt that even though natural resources automatically included agriculture in most of our eyes, we felt it might be nice to say "natural resources and agriculture", since some of the other conventions have done so.

And the Substantive Committee entitled General Government and Constitutional Amendment, the Constitutional Amendment portion of that concerns itself with revision and amendment, and the General Government portion of that is what we would call our miscellaneous, or catch-all, type committee---and I'm not suggesting that it would because this matter would, of course, be in the discretion of the President, subject to veto, I guess, by the members of the Convention itself---such things, perhaps, as lottery, gambling and things of that nature.

We feel that there will be many matters of considerable import which would be referred to that particular committee, in addition to the duties assigned thereto, entitled Constitutional Amendment.

PRESIDENT GRAYBILL: Are there questions of the Chairman of the Temporary Rules Committee concerning the Substantive Committees? Mr. Harper.

DELEGATE HARPER: George Harper, District 12. Mr. Murray, did your Committee consider at all, a kind of

committee which might be called "General Review Committee", and I'll just tell you what I had in mind.

I note in reading the Model Constitution book, and from suggestions from people who went to other constitutional conventions, that when you get all done with the individual committees doing their work and drawing up their parts of the bill, still the whole constitution is to be a unified document, and needs to be styled in other ways, and sometimes it's important to get together all of these factors.

And, I would have a suggestion, if your Committee didn't discuss it, to see what your reaction would be; mainly, that the Chairman of all these committees, meeting on the call of the President of the Convention, be named as a "General Review Committee".

DELEGATE MURRAY: I appreciate your suggestion, but let me say that I believe we did consider this matter. I think it's the concensus of the Committee, that that work be procedural---be considered procedural rather than substantive and, therefore, we consider it to be within the responsibility of the Style, Drafting and Transition Committee, and we hope that that committee would undertake the---have the spirit of this Convention at heart, and hopefully that it will assume those duties. I suppose, that there being no other committee, and if that burden is

placed on that committee by the President, that that duty will be so assumed.

DELEGATE HARPER: Mr. Chairman, George Harper, District 12. I'm not pushing this, it's just that I think we ought to take the time now to do what we think we need to do.

I mentioned style, and I should have been more specific. I'm not concerned so much about the style, perhaps, as the idea of when we have ten committees, we're going to have committees that naturally deal in some areas with the same thing, and there's going to be an overlap, and somewhere in the process, there ought to be a chance for us, and not just at the end of the process after all the committees have worked and handed out their individual opinions.

There must be some way, I think, so that we can share what is going on, and I think maybe an occasional meeting of the chairmen might do this. I called it a "General Review Committee", but maybe it needs no name at all, but somewhere along the line, the chairman of the Legislative Committee could say that this is what we're dealing with, and somebody else could say that this is what we're dealing with, and somebody else could say, "Well, wait a minute, we're talking about that same thing," and if it's obvious there's going to be a disagreement, then

maybe they'd go back to their committee to consider something a little bit different, or to consider what the other people are doing.

This is the area I'm thinking in, and I have no definite proposal.

PRESIDENT GRAYBILL: Mr. Harper, Mr. Harris has pointed out that in some conventions, the Chairman or the President later appoints such a committee to do that, and I think that the Temporary Rules Committee Chairman---I'd like to ask you this: Isn't it the understanding, that we can add to committees, or change committees later on, and that this is just a skeleton to start working with, and may we not add committees later on?

CHAIRMAN MURRAY: Mr. President, it's my understanding, that we can change our rules at any time we so desire.

PRESIDENT GRAYBILL: I'm not suggesting that we shouldn't make the change now, Mr. Harper, but I think it is possible to do exactly what you say, even with this structure.

CHAIRMAN MURRAY: Mr. President, may I also say, that this matter has been expressed to me by other Delegates. They are concerned with this, and I think that if it's within the scope of the duties of the Temporary Rules Committee, we'll give this matter further consideration.

PRESIDENT GRAYBILL: Are there other questions concerning the Substantive Committees? Mr. Monroe.

DELEGATE MONROE: I had a question for Mr. Murray. I was wondering, in some of the constitutional conventions, I noticed public lands was on one of the committee headings, and I didn't notice it here specifically, but in your mind, does that fit within, say, Natural Resources and Agriculture---the public lands?

CHAIRMAN MURRAY: I'd refer that to Mr. Harris. We discussed that, and where does that seem to lie within this group of committees?

MR. HARRIS: I would defer that to the President when he assigns the committees. It would appear to come under the Natural Resources.

CHAIRMAN MURRAY: I think that was the concensus of the Committee, yes.

PRESIDENT GRAYBILL: Are there any other questions? Mr. Felt.

DELEGATE FELT: I wonder if there is any---and this is a very important decision, of course, and though it may be tentative, it is quite likely that it will structure the work of the Convention and any changes, if they occurred, would probably be rather disruptive, at least if we were to consolidate some committees, or abolish them.

The matter of public lands, for example, dealt with

natural resources more than education, and it could become kind of confusing, and I would like a little time, myself, to consider that type of question, just as one example.

I'm also concerned as to whether we are perhaps not setting a precident, but I hope not because I'm in hopes we are going to have public hearings of committees, for a very good reason, so the people can present their thoughts to the committee prior to the time the committee reports to the Convention, and it will not be necessary for us to answer these questions, so called, and actually make our suggestions while we are here taking up the time of the whole Convention.

I would be quite interested in knowing the possible number of members of the different committees. I think if I knew that, I would be more certain whether I liked or disliked the names given to the Substantive Committees, and because of the total importance of the question, I would wish for a little more comprehensive statement of the reasons for designating the names of some of these committees.

Some are quite self-explanatory, but some are not, and I would like to know, also, if the committee expects us to vote here immediately today, or whether they might contemplate a public hearing at which time not only delegates, but any persons who have perhaps been working for ten years or so on this question and have things on their

mind that they would like to express, to give us the benefit---or give the committee the benefit of their thoughts.

Perhaps I have a strange feeling---I'd almost like to know how this happened to be handed to us while the Committee report was being read to us, and just how much the Committee was able to---how much time and thought and analysis they have been able to submit to this, and who they have heard from, and find out what they have considered.

I would like to know all of this, particularly because I feel we may be making decisions here without full knowledge ourselves and without the opportunity for the public to participate. To my knowledge, they haven't even been invited, and perhaps if they were invited, and given some time, they would appear, or perhaps they would not. Perhaps they don't care, but I sure would hate to see this first Committee report---and one on a matter of great magnitude---presented to us without knowing that all the people in the State of Montana were given some opportunity to present their thoughts.

Now, I may be all wrong on all of this, but I would certainly hate to be asked to vote right now on all this, without knowing the numbers, without knowing such things as what committee will be dealing with the question of our school lands, what will be the Natural Resources Committee,

the Education Committee, and possibly other questions which I just would not want to take your time on now to bring up.

But, I did want a chance to bring it up because I know it's common in many other states to split the Legislature Committee up into two, one which deals with structure of the legislature and the other deals with the general powers of the legislature, and there seems to be considerable approval by the text writers and persons with much experience in legislative and constitutional revision, for that type of a division, and I suppose it could be handled through subcommittees, and it could be brought to you in some other ways, but it would depend upon how many members there might be on all the legislative committees, and it just seems like an awful big order.

But, of course, I'm completely helpless with regard to what the Committee has contemplated for the next two days, but having elected our general officers, as called for, it would appear to me that we are proceeding at a very commendable pace---and we hope that we will always do that---but we cannot lose track of the axiom involving haste makes waste, and that full consideration must be given to matters of great importance.

I thank you for your time.

PRESIDENT GRAYBILL: Mr. Felt, the Chair would like to respond to one portion of your statement.

The Chair asked the Temporary Rules Committee, when it began its session at 2:00 o'clock, to consider the committees first, and when it had completed consideration of the committees, to send the list to the office so that this memorandum that you have before you could be prepared.

The reason for this, is that the Chair is anxious--- regardless of how the committees are appointed, the Chair is anxious to get started with that task.

I am convinced, personally, from talks with many of you, that probably the most important next thing for the Delegate, is to find out what he's going to be doing here, and we want to get that on the road.

So, it's because of my request that they do that, and it was typed while they did consider the other matters, but it was not typed in advance and it has, in fact, been typed since 3:00 o'clock. So, that answers that.

Mr. Murray, did you have any other points to make?

DELEGATE MURRAY: Although it was not announced by anybody after the appointment of the Temporary Rules Committee, the Committee meeting was public, there were guests, nobody did ask to speak.

And, as far as our consideration of the matter is concerned, we counseled extensively with Mr. Dale Harris, we reviewed the various books and documents we had. All of us, I'm sure, have been through this several times on

our own in advance of the Committee meeting, and we also consulted, at length, with Mr. President.

It occurs to me, that most of the lands in the State of Montana that are public owned, relate in some way, shape or form to education, and it might be that that particular committee could be entitled "Education and Public Lands", if that meets with the concensus of the Convention itself, but I do really feel that there is little need, if any---in fact, none, as far as I'm concerned, to have a public hearing, or invite people other than Delegates to address themselves to the issues of the names or titles of the Substantive Committees themselves.

Of course, all of those matters which will be considered by the Convention will be heard publically, those substantive matters considered within each of the committees, and I submit that that probably is the time to have the public hearings, rather than at this date.

I, for one, am interested in the committee assignment that I will have and, frankly, I urge that you give consideration to the early adoption of this committee report and the committees as we now have them labeled.

PRESIDENT GRAYBILL: Grace Bates.

DELEGATE BATES: Grace Bates from District 11. I was wondering, what about a Preamble. Perhaps putting a Preamble and the Bill of Rights together, Suffrage and

Elections and Constitutional Amendments under another---oh, you can't hear it?

Grace Bates from District 11. I was wondering about a Preamble, and perhaps Preamble and Bill of Rights should be listed under one committee and Constitutional Amendments and Suffrage and Elections, perhaps, under another.

This is just a suggestion, but I wondered if you'd considered a Preamble.

PRESIDENT GRAYBILL: Mr. Murray.

DELEGATE MURRAY: Yes, we did give this matter consideration, and we felt that the Preamble could be considered, I believe, if my memory serves, with the Bill of Rights, Suffrage and Elections.

We feel that the Bill of Rights, Suffrage and Elections Committee pretty well---we would have to consider---well, I think that we think that the three---the four things are kind of, you know, intermeshed.

The Preamble, in a sense, is a statement of the declaration of rights and, therefore, we probably could have entitled the committee "Preamble, Bill of Rights, Suffrage and Elections", but our efforts were spent towards reducing the titles of the committees as much as possible so that any reports and the journal, and all of this other matter that has to come, wouldn't forever have these long titles, and that matter was given consideration, and we

think that it fits within that committee.

We also think Suffrage and Elections fits within the Declaration of Rights subject, and should not be separate from it. We also thought that, because we wanted to give a considerable work load to that particular committee.

PRESIDENT GRAYBILL: Mrs. Bates.

DELEGATE BATES: Then you feel that Constitutional Amendments, then, should not be with Elections and Suffrage?

DELEGATE MURRAY: I really don't think that---no, that's right, I don't think that it needs to be there, and again, we have put that down with General Government, so that there is something of interest in that field in that committee, in an attempt to not---not to have any committees not important enough, so that people will want to serve on every committee.

PRESIDENT GRAYBILL: Are there other---Mrs. Pemberton.

DELEGATE PEMBERTON: Mr. Chairman, I would like to move the adoption of the tentative Committee's report proposed by the Temporary Rules Committee.

Catherine Pemberton, District 1.

DELEGATE MURRAY: I second it.

PRESIDENT GRAYBILL: All right, we'll allow your

motion to move the resolution and Mr. Murray to be a second.

Now, is there discussion---I don't want to cut off the debate. Is there further discussion on adopting the Temporary---or adopting the Temporary Committee's proposed Procedural and Substantive Committees, with the understanding that the Convention can either add or subtract from them? Mr. Skari.

DELEGATE SKARI: Mr. Chairman, Carman Skari, District 14. It seems to me from the reading I've done in our material, that the ten committees might be possibly quite a number, and that we might be better off with perhaps a smaller number, more like eight or nine, or possibly even seven.

Often, too large a number of committees leads to a longer document. I think it would be a more unified document if we did try to hold these committees down, and possibly to combine some of them as Mrs. Bates suggested, Constitutional Amendment up here in the first committee and possibly just General Government in with Local Government.

PRESIDENT GRAYBILL: All right, is there other discussion? Mr. Champoux.

DELEGATE CHAMPOUX: Richard Champoux from District 16. A question I would like, if it isn't out of order---

two of them.

First of all, how many do they feel are going to be on---did the Rules Committee consider how many there were going to be on each committee?

DELEGATE MURRAY: Our consideration in this respect was deferred until the President could have the desires and wishes relative to the committees you would like to serve on.

We know, at this time, that there are two or three committees upon which we should have many members, as opposed to some on which we should have fewer, and I think particularly of the Legislative and the Judiciary, Local Government is another in which there has been considerable concern expressed, and we thought in all fairness to this Convention, that the expression from you people as to the committees you would like to serve on, should help us in governing those numbers.

PRESIDENT GRAYBILL: Mr. Champoux.

DELEGATE CHAMPOUX: The second question I would like to put to the Committee Chairman, is did they consider how they were going to split up in terms of two committees per person, or did you consider this at all?

PRESIDENT GRAYBILL: The number of members, Mr. Murray.

DELEGATE MURRAY: It is the concensus of the

Committee, that each Delegate should serve on one Substantive Standing Committee, and that is the next recommendation---

PRESIDENT GRAYBILL: And isn't it also understood that some of the Delegates could then also serve on Procedural Committees, although maybe everybody wouldn't be assigned to a Procedural Committee? Is that correct?

DELEGATE MURRAY: We considered that probably there would probably be ninety-nine of us serving on Substantive Committees, and we really thought that perhaps only the President would not serve on, or have a role in any special Substantive Committee.

PRESIDENT GRAYBILL: What my question was, Mr. Murray, is people can serve on two committees, if one's Procedural and one's Substantive?

DELEGATE MURRAY: That's right.

PRESIDENT GRAYBILL: I think that was the intent of the original resolution. Does that answer your question, Mr. Champoux?

DELEGATE CHAMPOUX: Yes.

PRESIDENT GRAYBILL: All right. Mr. Choate.

DELEGATE CHOATE: I'm Lyman Choate, Delegate from District 2. I would say that after listening to this discussion, that Mr. Murray and his Committee have worked these committee divisions out in pretty good order. There

appears to be good background for the recommendations they have come up with. I think that with one hundred Delegates, or ninety-nine to serve, we can easily handle the committees.

I agree fully with the appointment of only one Delegate to one Substantive Committee, and I would join Mrs. Pemberton on her motion, and I would like to second the motion that we adopt this procedure.

PRESIDENT GRAYBILL: Is there other discussion? Mrs. Bugby.

DELEGATE BUGBY: I'd like to ask Mr. Murray, have you considered a group of people, or a small group of people who would do the integrating between these committees, whether it be a vice-president, or a couple of vice-presidents?

It seems to me, you said ninety-nine people, minus the President, shouldn't there be a small number of people---say three or four---who would do nothing but the integrating work between, for instance, Finance and Taxation and Local Government? This is going to be one of the key things that is going to have to be integrated.

DELEGATE MURRAY: My statement is probably warped by my legislative experience, but it seems to me that at a given time, under the Rules which we will propose, we will all serve in that capacity, and that as these matters are brought to this Body---to the Committee of the Whole---

or whatever that Body may be entitled, we should all have the opportunity to express our concern that it may conflict or have some affect on something that some other committee is handling and then make an appropriate motion to take it out of discussion and to refer it to the other committee, or to consolidate those two things in a committee at that time.

However, I really think that the Style, Drafting and Transition Committee, through whom I envision, probably, that all the completed sections or proposals would pass, at some time or other, would also be serving in that capacity.

PRESIDENT GRAYBILL: Go ahead, Mrs. Bugby.

DELEGATE BUGBY: I would just like to say that part of the problem with the Legislature is its lack of integration.

PRESIDENT GRAYBILL: Is there other discussion? Mr. Furlong.

DELEGATE FURLONG: I'd like to ask a question of Mr. Murray, if I might.

PRESIDENT GRAYBILL: Yes, sir.

DELEGATE FURLONG: Mr. Murray, in discussing Education and Natural Resources, you suggested that perhaps Education might include public lands, since the majority of the public lands are educational lands.

My question is, will this then become a change in your recommendation of the adoption of this Committee report?

DELEGATE MURRAY: I have not so moved, but I make that suggestion, and if you wish to make a substantive motion to that effect, I would concur in it.

DELEGATE FURLONG: Mr. President.

PRESIDENT GRAYBILL: Yes, sir.

DELEGATE FURLONG: Is a motion to include public lands in with the Education Committee in order?

PRESIDENT GRAYBILL: I think a motion to amend the title of the Education Committee to be Education and Public Lands is in order. Do you wish to make such an amendment?

DELEGATE FURLONG: I would so move, Mr. President.

PRESIDENT GRAYBILL: The motion has been made that the title of the Education Committee in the resolutions proposed by the Temporary Rules Committee be amended to include the word "and Public Lands", so that it now reads, "Education and Public Lands".

Is there any discussion on the amendment?

(No reply.)

Are you ready for the question?

DELEGATES: Question.

PRESIDENT GRAYBILL: All right. The Chair will

open the vote, and all in favor of the motion to include Public Lands in Education vote "Aye". All those opposed to putting Public Lands in with Education vote "Nay".

Have all the Delegates voted? Does any Delegate wish to change his vote? The Chair has closed the vote. Will the Clerk tally the vote?

SECRETARY MARSHALL: Mr. President, eighty Delegates have voted Aye, sixteen Delegates have voted No.

PRESIDENT GRAYBILL: By your vote, you have amended the title of the Education Committee to be Education and Public Lands.

Is there further discussion of the proposed committees? Mr. Brazier.

DELEGATE BRAZIER: I'm Jeff Brazier from District 12. I just have a couple of questions with respect to this committee assignment blank.

Do I understand that when we vote on Mr. Murray's motion, that that closes discussion on the entire subject, or will I have a chance to ask a couple of questions?

PRESIDENT GRAYBILL: I certainly will be glad to discuss the blank with you, if we know what we're going to be---

DELEGATE BRAZIER: Fine. Thank you.

PRESIDENT GRAYBILL: Is there any further discussion? Mrs. Eck.

DELEGATE ECK: I'd like to comment that I think that during the campaign, we all discussed a good deal that our Constitution should be fundamental and not statutory. It appears to me that the inclusion of the section on Public Health, Welfare and Labor, Natural Resources and Agriculture, without any mention here of either industry or corporations which we have now, could open the door to a great deal of statutory material which really could better be omitted from the Constitution.

PRESIDENT GRAYBILL: Mr. Murray.

DELEGATE MURRAY: Mr. President, I'm not sure if that comment was made by way of inquiry to me, but I will speak to it, anyway.

We feel, as the Temporary Rules Committee, that under the short time that we had to meet, that it is as important to delete from our present Constitution those matters which are obsolete, or which ought better be in the statutes and not in the Constitution, as it is to add things, and we don't believe that because we propose a committee to you, and something is proposed in that committee, or assigned to it as a duty, that you have to do something with it by way of enactment. We feel you can kill it.

PRESIDENT GRAYBILL: Or at least take it out.

All right. Is there any further discussion on the

proposed Substantive Committees?

DELEGATES: Question.

PRESIDENT GRAYBILL: Are you ready for the question? Are you ready for the question?

DELEGATES: Question.

PRESIDENT GRAYBILL: All right. The Chair will put the resolution of the Temporary Rules Committee that the Procedural Committees shown before you on the sheet, and the Substantive Committees, including the amendment on Education and Public Lands, that these be the committee--- that this be the committee structure of the Convention at this point. It is understood by everyone that the Body can add or subtract from these at a later date, but to allow assignment, this is the committee structure.

All those in favor of this committee structure signify so by voting "Aye" on the voting machine, and those opposed by voting "No".

Have all the Delegates voted? Have all the Delegates voted? Does any Delegate wish to change his vote? Okay, the Chair will close the vote. Mr. Clerk, will you tally the vote?

SECRETARY MARSHALL: Mr. President, ninety-eight Delegates have voted Aye, one Delegate has voted No.

PRESIDENT GRAYBILL: Ninety-eight Delegates having voted Aye, and one Delegate having voted No, you have

adopted as your committee structure the Procedural Committees and Substantive Committees, as amended by the addition of Public Lands, shown on the sheet before you.

Now, we are going to take up in a minute, if it's all right with you, how to appoint these, but to clear up the matter Mr. Brazier raised, it was the intention of the Chair, unless the Convention instructs him differently, to ask each of you to fill these out and put your name on them, and some of you have already expressed to me the fact that you want to meet as a delegation and see that you get some spread among the delegation, and I would suggest that that could be done immediately following our meeting, but the Chair would like to have these filled out this evening, so that whatever comes of how to appoint them, we could have them to work with and the office could tally them and figure them out before tomorrow morning, so that we will have time early in the morning to start working on these committees.

Now, are there any questions about how to answer, or fill out these blanks? Mr. Brazier.

DELEGATE BRAZIER: Mr. President, one question, one suggestion.

Do I understand that it is the recommendation of the Committee that the Delegates each indicate the order of preference on the Substantive Committees?

PRESIDENT GRAYBILL: I think we would consider the top line your first, the second line your second, and the third line your third preference, yes.

DELEGATE BRAZIER: Just a suggestion, it might be helpful for the Committee on Committees, if somewhere on any available space, the Delegates would indicate what there is in their background that may tend to qualify them for the committee.

PRESIDENT GRAYBILL: I'm sure we have no objection to doing that. The staff tells me that they've got some biographical data on us that we can refer to, but you certainly may add any comments you want.

Are there any other questions about the questionnaire?

(No reply.)

If you will see that the questionnaires get either to the Pages, or to someone in the office before you leave, so that we can take care of them overnight, we would appreciate it.

Now, let's go on to the next matter. Does the Temporary Rules Committee have any recommendations concerning how the committees should be appointed? Mr. Murray.

DELEGATE MURRAY: Mr. President, we further recommend the following rule regarding committee appointments:

"The President, after consultation with the

Vice-President(s)"---because we may have more vice-presidents---"shall appoint the committee members, that any appointment on the announcement thereof, may be rejected by the majority of the members of the Convention prior to adjournment on January 19, 1972. Each member, except the President, will serve on one Substantive Standing Committee."

This follows, very much, the Illinois proposal, as I understand it.

PRESIDENT GRAYBILL: If I understand the sense of the Committee's recommendation, it is that the President appoint the committees, after consultation with the Vice-President---or Presidents---

All right. The President, after consultation with the Vice-President---or Vice-Presidents---shall appoint the committee members, but any appointment, on the announcement thereof, may be rejected by a majority of the members of the Convention prior to adjournment on January 19, 1972, and each member, except the President, shall be on one Substantive Standing Committee.

The Chair would also like to point out, that if there are appointments that take place later than that, that it's the Chair's intention to always give a member two days, at least, to complain and have his assignment, even if it's late in the session, changed, if there is a

new assignment. But, in other words, I take it, that January 19th is two days after we come back into session, is that right?

DELEGATE MURRAY: Two days after we come back, that's right.

PRESIDENT GRAYBILL: It would be three, I suppose. We come back the 17th, so it would be the 17th, and the 18th and the 19th would be the third day.

DELEGATE MURRAY: Three days.

PRESIDENT GRAYBILL: Now, is there discussion?

DELEGATE: I move the adoption---

PRESIDENT GRAYBILL: The Chair has got a question, if nobody's got any discussion.

Is it the intent of the Committee that the Chair not serve at all, or that the Chair be ex officio?

DELEGATE MURRAY: We haven't gotten to the rules about you.

PRESIDENT GRAYBILL: Okay, but at the moment---

DELEGATE MURRAY: I guess we're going to see how you behave.

PRESIDENT GRAYBILL: I'm a little behind everybody at the moment.

All right. Now, is there any discussion? Mrs. Reichert.

DELEGATE REICHERT: Arlyne Reichert, District 13.

I know that as soon as we were elected, we were very pleased that we were to have this initial session at this particular time, so that we would have time to know what committee we would be serving on and we would have an opportunity between now and January to do some thorough studying in our particular area.

Now, if we are not pleased with our committee assignment, and if we are to wait until January to request another assignment with the consent of the majority of the Convention Delegates, we would not have that opportunity to do this studying in the area in which we're interested, and my question is, that since we're proceeding at such a beautiful pace today, why could we not handle this Wednesday, if we are dissatisfied with our initial committee assignment.

PRESIDENT GRAYBILL: Mr. Murray.

DELEGATE MURRAY: Mr. President, I'm not sure that I understand your inquiry. Shoot that by me again, will you please?

DELEGATE REICHERT: Well, if we are not assigned to the committee in which we are particularly interested, and if we would like to request the majority of the Delegates to assist us in having our committee assignments changed, and if it must wait until January before this change could be made, we will not be able to study in our respective

area.

DELEGATE MURRAY: You've gotten to me. You're making an assumption that this proposal and recommendation does not consider. We feel that you could do that any time after the appointment, but not later than January 19, 1972.

If these committee appointments are made tomorrow, as I trust they may be, or Wednesday at the latest, you should have an opportunity to object then.

DELEGATE REICHERT: Oh. Fine. Thank you very much.

PRESIDENT GRAYBILL: Other questions? Mr. Brazier.

DELEGATE BRAZIER: My apologies to Mr. Murray. I was writing feverishly my selections for committees when you stated your recommendation, or your motion, and as a result, it went over my head.

I'm not clear whether it's your recommendation that the Committee on Committees be constituted of the President, or just exactly what you're getting at in that respect.

PRESIDENT GRAYBILL: Mr. Murray.

DELEGATE MURRAY: The recommendation of the Committee is that the President, after consultation with the Vice-President, and if the appointments of these committees should be made tonight, it would be Mr. Tooke, our Vice-

President, will make the appointment. We have no Committee on Committees. We didn't propose those either in the Procedural Committee list or under the Substantive Committee list, and we have not given consideration to that, as such. We feel that as a Committee, that the President should have the opportunity to appoint, in consultation with the Vice-President---who is, in this particular instance, of another political party.

DELEGATE BRAZIER: So in other words, if I understand it correctly, you are dispensing with the Committee on Committees?

DELEGATE MURRAY: We don't have such a thing.

PRESIDENT GRAYBILL: Mr. Wilson, you were on your feet next.

DELEGATE WILSON: A question for information. Archie Wilson from District 6.

Would the members of the delegation be assigned to more than one committee---Substantive Committee?

DELEGATE MURRAY: Each Delegate will be assigned to one Substantive Standing Committee. I would imagine, that if your interests vary among the members of your district, that probably each of you will be on a different Standing Committee, and if you'll note that for the President, I'm sure he'd give that consideration, or note it to Mr. Toole, who will be in consultation with the President.

DELEGATE WILSON: That answers my question.

PRESIDENT GRAYBILL: Are there other questions? Mr. Berg.

DELEGATE BERG: Mr. Murray, I understand that the President, with the advice and consultation of the Vice-Presidents, will make the committee assignments. My question is, will the committee chairman or co-chairman be appointed by the same committee, or are they to be elected by the committee members themselves? Has your Committee considered that problem?

DELEGATE MURRAY: Our Committee has not considered that at this time. I would presume we would give consideration to that before---well, perhaps sometime tomorrow, but at this stage, we felt the appointment of the members to the committees was of most urgency to most of us, and that's as far as we were able to get in the hour and a half that we had within which to meet.

PRESIDENT GRAYBILL: The Chair has been asking for questions, and I don't mean to stop you from making statements, so what I should be saying, is there further discussion? Mr. Brazier.

DELEGATE BRAZIER: Mr. President, I think what is suggested here has some profound implications, and maybe this is more properly classified as rising to a point of order, but I wonder if there is some way whereby we could

test a concensus of the Delegates as to whether we ought to have an elected Committee on Committees, or bestow that power on the President at this time---or officers, excuse me.

PRESIDENT GRAYBILL: We're certainly going to have an expression of that in a minute if we vote on this, but if you've got another way that you might want to test it, the Chair would certainly be interested in hearing what it is.

DELEGATE BRAZIER: I'd like to test Walter Marshall's expertise on this procedural point.

PRESIDENT GRAYBILL: There's a motion, now, that says that if you do it this way, you wouldn't have a Committee on Committees. If you want a Committee on Committees, it would seem to me you would vote against this, or if you want to do that, there's another way that I can think of, and I could tell it to you if you want me to. In other words, you could make a substitute motion.

DELEGATE BRAZIER: I therefore make a substitute motion that we have a duly elected Committee on Committees, and I think I can go into more procedural depth, if such is necessary, but I think that will test the question I had in mind.

PRESIDENT GRAYBILL: Mr. Brazier, the Parliamentarian would like you to say a little more. In other

words, you want an elected Committee on Committees, is that it, by nominations from the Floor, or by appointment by the Chair, or do you care how we get the Committee on Committees?

DELEGATE BRAZIER: If you'll all kindly bear with me, I'll see if I can compose one off the top of my head here.

I offer a substitute motion that a seven-member Committee on Committees be elected by nomination, and to be elected in its entirety by nominations from the Floor, with the authority to designate one of its number as chairman, and to report back to the Convention its recommendations upon the size and makeup of committees, and for the purposes of electing such delegates, I would further include in that motion, that a legal ballot be one which does not include the names of more than seven nominees.

PRESIDENT GRAYBILL: You lost me again. What do you mean? You can't have more than seven nominees, or are we going to have seven elected---

DELEGATE BRAZIER: My motion was based upon the assumption that not more than seven nominees---

PRESIDENT GRAYBILL: Oh, I see. You can only vote for seven.

DELEGATE BRAZIER: Yes.

PRESIDENT GRAYBILL: May the Chair ask Mr. Brazier

a question? Now, I don't care, but I want to know the sense of your motion.

I understand that the Chair would have nothing to do with the committees if your motion prevailed, is that correct?

DELEGATE BRAZIER: That's correct.

PRESIDENT GRAYBILL: All right. Mr. Roeder.

DELEGATE ROEDER: Rich Roeder from District 11. I'd like to ask Mr. Brazier a question or two. I wonder if he has read the section in the manual here prepared by John Peale and sent to us, on pages forty-eight and forty-nine, on the question of who assigns to committees?

DELEGATE BRAZIER: I read it, but I did not commit it to memory.

DELEGATE ROEDER: I suggest that you might look at it. It points out some of the dangers of the sort of thing that you're proposing, and I'd also like to ask if you heard Mr. Whitwer last night talk about this very question?

DELEGATE BRAZIER: I heard him, and I also heard him say that the Illinois situation was not necessarily comparable to the Montana situation---

DELEGATE ROEDER: I think he was pretty emphatic on his point that his experience would apply, however. Thank you.

PRESIDENT GRAYBILL: Is there other discussion on

this motion? Mr. Berg.

DELEGATE BERG: This is Ben Berg from District 11. Earlier, I took the opportunity to review the Memorandum 1 on Constitutional Convention Rules, and I found that in not one of the states was a Committee on Committees realized. In almost all instances, either the President, or the President with the consultation of Vice-Presidents, selected the committees. I think that might be a very worthy precident for us to follow here.

PRESIDENT GRAYBILL: Is there other discussion of the motion? Mrs. Bowman.

DELEGATE BOWMAN: I'm Jean Bowman from District 8. As I understand the proposal by the Temporary Rules Committee, we are to elect three vice-presidents. I therefore feel that this Committee, on the selection of committees, should not be made until the other two vice-presidents have been elected.

PRESIDENT GRAYBILL: I think the Chair would say, that assuming that we can get to the business of whether or not to elect the vice-presidents tomorrow, the Chair would certainly hold up---if I had anything to do with it---putting it out until they had had a chance to look at it. Now, if we get into late Wednesday, we might have a different situation, but I'd certainly reconsider that with you, Mrs. Bowman, tomorrow.

I would like the other vice-presidents, if we get them elected tomorrow, to have a look at this. The Chair does not intend to hurry it out ahead of them, and I'll at least come back to you before I would do that, if I have anything to say about it.

Is there any other discussion on the motion?

(No reply.)

Are you ready for the question?

DELEGATES: Question.

PRESIDENT GRAYBILL: All right, the voting is open on the machine. The voting is on Mr. Brazier's motion that a committee of seven members be elected, all nominated from the Floor, with no more than seven to be voted for, and the committee, when it's elected, choose its own chairman, the committee to recommend to this Body the status and makeup of all committees.

Have I fairly stated that, Mr. Brazier?

DELEGATE BRAZIER: (The Delegate indicated in the affirmative.)

PRESIDENT GRAYBILL: All right. If you're in favor of Mr. Brazier's motion, vote "Aye". If you're opposed to Mr. Brazier's motion, vote "No".

Have all the Delegates voted? Does any Delegate wish to change his vote? If not, the Chair will close the ballot and have the Clerk tally the ballot.

SECRETARY MARSHALL: Mr. President, eighty-nine Delegates have voted No, seven Delegates have voted Aye.

PRESIDENT GRAYBILL: Seven Delegates have voted Aye, eighty-nine have voted No. Mr. Brazier, your motion has failed.

We're now back on the issue of whether or not to support the resolution of the Temporary Rules Committee that the Chair, with the concurrence of the vice-presidents, nominate the members of the committees.

Is there further discussion on that proposal by the Rules Committee?

(No reply.)

Are you ready for the question---Mr. Clerk haven't we got that written out somewhere?

Are you ready for the question?

DELEGATES: Question.

PRESIDENT GRAYBILL: All right. The question is on the Temporary Rules Committee's proposal---or resolution, that the President, after consultation with the vice-presidents, shall appoint the committee members, that any appointments, on the announcement thereof, may be rejected by a majority of the members of the Convention prior to adjournment on January 19, 1972. Each member except the President, shall be appointed to serve on only one Substantive Standing Committee.

The Chair has further made the point that any appointments that happen to be made after that, there would be a three-day opportunity to ask for a change, and the Chair has agreed with Mrs. Bowman that I will not appoint it with only the Vice-Chairman unless we don't get to that until Wednesday.

All those in favor of this resolution by the Rules Committee vote "Aye", all those opposed vote "No". The vote is open.

Have all the Delegates voted? Does any Delegate want to change his vote? Will the Clerk close the ballot?

SECRETARY MARSHALL: No, that's your job. You close the ballot.

PRESIDENT GRAYBILL: Oh, all right, I'll close the ballot. All right. Walter, will you tally the ballot.

SECRETARY MARSHALL: Gladly so. Ninety-eight voted Aye, two voting No.

PRESIDENT GRAYBILL: Ninety-eight having voted Aye, two voting No, the proposal of the Temporary Rules Committee that the committees be selected and nominated in this manner is hereby approved.

Now, Mr. Blaylock had a motion---Mr. Cate, do you have a motion?

DELEGATE CATE: Mr. President, I would like to call it to the attention of the Committee that there were one

hundred votes cast there, and there were only ninety-nine people eligible to vote. The President did not vote, as I understand it---

PRESIDENT GRAYBILL: Well, I think I'm eligible to vote yet. I hope I haven't lost that one yet. I did vote and Mr. Dahood is here, so I think there are one hundred Delegates eligible to vote, seeing no vacant seats.

All right. Now, Mr. Blaylock, earlier you wished to make a motion?

DELEGATE BLAYLOCK: Mr. President, I'd like to ask a question of you, first, before I repeat that motion.

Do you have a desire that Mr. Toole should have a different seat to help on the Floor?

PRESIDENT GRAYBILL: Well, I don't know. Let's let the Rules Committee finish this officer thing up tomorrow, but regardless of that, I'm sure we can make adjustments later for any odd seats, and I trust you are going to make that motion about alphabetical seating.

The Chair would assume, unless he hears to the contrary, that if we adopt such a thing, and it later became necessary for Floor Managers, or for Vice-Presidents to sit in certain spots, we would simply adjust for that one change.

Now, what is your motion?

DELEGATE BLAYLOCK: Mr. President, I move that this

Convention remain seated in alphabetical order, as it is now.

PRESIDENT GRAYBILL: Mr. Blaylock has moved that we remain seated in alphabetical order.

DELEGATE: Mr. President.

PRESIDENT GRAYBILL: Mr. Berg.

DELEGATE BERG: Ben Berg from District 11. I want to join in that motion for a very personal reason. I find I occupy seat number thirteen, the same seat I had in 1957. I am most comfortable.

PRESIDENT GRAYBILL: Are there other delegates that wish to discuss the matter? Mr. Skari.

DELEGATE SKARI: Mr. Chairman, Carman Skari, District 14. I, too, would advise alphabetical seating. I think the State has gone to considerable expense here on the charts and all this, and I think it also is an aid to bipartisanship, and I like the present arrangement.

PRESIDENT GRAYBILL: The House having taken constitutional notice of your proposal, Mr. Skari, it will be so advised.

Now, do other people want to discuss the alphabetical seating arrangement?

DELEGATES: Question.

PRESIDENT GRAYBILL: Mr. Joyce, you don't want to do anything except sit down, do you? Okay.

Are you ready for the question?

DELEGATES: Question.

PRESIDENT GRAYBILL: The ballot is now open. All those in favor of retaining, for the balance of the Convention, or at least until further order of this Convention, the alphabetical seating arrangement, please indicate so by voting "Aye", and those opposed vote "No".

Has every Delegate voted? Somebody hasn't voted. Does any Delegate wish to change his vote? All right, the Chair has closed the vote. Mr. Clerk, will you tally the vote?

SECRETARY MARSHALL: Ninety-nine Delegates have voted Aye, and one person made a mistake and voted No.

PRESIDENT GRAYBILL: By your vote of ninety-nine Ayes and one No, we will retain, at least until we make another such motion, the present alphabetical seating arrangement.

Now, we are not quite through, but the Chair would like to---I've been asked by the Secretary, and I did not do it earlier, and I should have---but at least for this first tentative---this first session, both she and I would appreciate it if you would stand and repeat your names so that she can get it in the record, and I'll try to repeat your name, but sometimes I get mixed up, but we want to try to do that for her

Secondly, I've been asked to announce that there's a possibility---that there's a request that tomorrow at 3:00 p.m., that all the women will have their photo taken to show how many women we have in the Constitutional Convention. Mrs. Cox will make further announcements as to place, and if the time has to be changed slightly, we'll do that, but the women might like to know today that they might have their picture taken tomorrow.

Furthermore, the Chair would like to be advised as to the hour that the Governor has invited us to his home this evening, if anybody knows.

DELEGATES: 7:00 o'clock.

PRESIDENT GRAYBILL: 7:00 o'clock. All right.

Now, we have covered quite a bit of ground and I'm real proud of us. Is there any other business to come before our meeting today, or can we recess until tomorrow? Mr. Murray.

DELEGATE MURRAY: Mr. President, I would like to ask that the members of the Temporary Rules Committee to meet with me to the right of the Convention Hall immediately after our recess.

PRESIDENT GRAYBILL: Mr. Murray, there was another matter.

Mr. Nutting, do you want to make your first suggestion in the form of a motion, directing the Rules

Committee---Temporary Rules Committee on the scope of the rules that they are to deal with between now and the end of the first session?

DELEGATE NUTTING: I think we're dealing with just the matters I had in mind, and I'm very happy with it.

PRESIDENT GRAYBILL: All right, then, we're not going to have a motion. Mr. Furlong.

DELEGATE FURLONG: Noel Furlcng, District 16. I would like to ask a question, if I may, and perhaps make a very short statement.

PRESIDENT GRAYBILL: Surely. Go ahead.

DELEGATE FURLONG: Is it permissable, having voted on the prevailing side on the committee appointments, to ask for reconsideration?

PRESIDENT GRAYBILL: Just a minute. I'll find out.

The Parliamentarian says it doesn't make any difference, and you can move to reconsider.

DELEGATE FURLONG: Well, not at this moment, but I m a little bit slow at this game, and it strikes me that we have given the Body the ability to challenge any committee appointment for cause, which I have no objection to, but I'm not so sure that we have given the individual member the right to challenge the Chair for a committee appointment of his choice.

PRESIDENT GRAYBILL: Mr. Furlong, the Chair would

interpret that to mean that any member may address the Chair and raise the issue, and then the Body will have to decide whether or not his committee appointment is right. A majority of you have to agree before he could get it changed---or she---but it would seem to me, and I will certainly recognize anyone that wants to object to them, and you can make your explanation to the Body and the Body can leave you or move you.

DELEGATE FURLONG: Thank you for the answer.

PRESIDENT GRAYBILL: Yes, Mr. Choate.

DELEGATE CHOATE: Lyman Choate, District 2. I would suggest before we recess, that these questionnaire forms be picked up, so they don't get lost or thrown away.

PRESIDENT GRAYBILL: Those of you who have your forms ready should give them to the Pages, or if you are holding them, leave them with the girls out in the office before you leave, and if you want to stay, some of you, and talk to your district members, why you can just retain them and put them in the office before you leave. The Pages are passing among you to pick them up.

Is there other business to come before the House? If not, I would recognize the Vice-President, Mr. Toole---Mr. Martin.

DELEGATE MARTIN: Fred Martin, District 11. I think we're off to a good start, and I think we should

give a vote---make a motion that we give a vote of appreciation to the excellent work of the Rules Committee.

PRESIDENT GRAYBILL: I think the Rules Committee can take that round of applause as a vote of approval so far.

Mr. Toole, unless someone else stands up with you, I'm going to recognize you to make a motion to recess until 11:00 o'clock tomorrow morning, and the reason it's 11:00, is so that the committees can be started to be worked on.

DELEGATE TOOLE: Mr. President, I make such a motion to recess until 11:00 o'clock tomorrow morning.

PRESIDENT GRAYBILL: Is there any objection---I guess we can't debate that.

All in favor say "Aye"...

DELEGATES: Aye.

PRESIDENT GRAYBILL: Opposed "No".

(No reply.)

We will recess until tomorrow morning at 11:00 a.m.

(Whereupon, the Convention was recessed at 5:30 o'clock p.m. until 11:00 o'clock a.m., November 30, 1971.)

MORNING SESSION

November 30, 1971 11:10 o'clock a.m.

PRESIDENT GRAYBILL: The Convention will please be in order.

Good morning, ladies and gentlemen. I would like to ask Harold Arbanas if he would give us an invocation from his chair---or from his position, let's say.

DELEGATE ARBANAS: Our Father, we'd like to express thanks for the progress of our deliberations. We ask for the gift of wisdom, the grace of courage and an awareness of Your presence. Amen.

PRESIDENT GRAYBILL: The voting machine has been opened, and if your present vote "Aye", so that the Clerk may tally the roll.

Has each Delegate voted?

SECRETARY MARSHALL: No, sir, they have not.

PRESIDENT GRAYBILL: Does any delegate wish to leave?

SECRETARY MARSHALL: Mr. President.

PRESIDENT GRAYBILL: Yes, sir.

SECRETARY MARSHALL: Mr. President, ninety-eight Delegates are present. A quorum is present.

PRESIDENT GRAYBILL: Very well, close the ballot. Just a moment.

The Convention should know that we are, this morning, on the orders of business of Mason's Manual. We are going to pass reading and approval of the journal of the previous day, since this seems hardly necessary until we get to the substantive session in January.

The next matter that I would like to take up are messages, and I would like to recognize Mrs. Babcock for a message.

DELEGATE BABCOCK: Mr. Chairman, honorable Delegates, I would like to read a telegram that I received this morning:

"Best wishes as you start deliberations on a new constitution. My conference in Moscow, U.S.S.R., preclude my attending personally. I feel confident this important document will emerge as a model to guide Montanans to a great future," and you will never guess who that's from.

PRESIDENT GRAYBILL: Thank you, Mrs. Babcock, and please express to him our gratification at having received it.

SECRETARY MARSHALL: Mr. President.

PRESIDENT GRAYBILL: Yes, sir.

SECRETARY MARSHALL: The other two Delegates are present.

PRESIDENT GRAYBILL: So we are all here now?

SECRETARY MARSHALL: Yes, sir.

PRESIDENT GRAYBILL: Fine. I will show them all present on the roll, then.

Now, the next matter of business will be the reports of standing committees, or special committees, which I presume includes the Rules Committee. If someone has something other than that which is in order now, I would be glad to recognize you, but we do intend to go to the Rules Committee.

Did someone here have a motion they wanted to make, or an observation?

(No reply.)

Very well, the Chair will recognize Marshall Murray, the Chairman of the Temporary Rules Committee.

DELEGATE MURRAY: Mr. President, the Rules Committee has been meeting since 8:00 o'clock this morning. We have several recommendations to make.

One has to do with the election of two more vice-presidents, one from each Congressional District, if you adopt the rule as we have it.

Another has to do with the election of a secretary, who shall be a Delegate.

Another has to do with the appointment of an Executive Director of the Convention, who shall be appointed by the President and be primarily responsible for the Convention.

Another has to do with the appointment of such other employees as may be necessary.

And the last item that we discussed this morning, which will be considered, as I understand it, this afternoon, has to do with the appointment or designation of a chairman and vice-chairman of the respective committees.

I make particular mention of that last item because there is on your desk, the delivery to you of the recommendation of the Rules Committee of a substitute motion, and I'm sure that you have seen it, and are concerned about when that matter might be considered.

The President has advised me that he would like to consider these matters in this order today. He would like to have us consider the vice-presidential matter and the secretary matter, and then he would like to have a fifteen minute recess, and then he would like to call for the election of those officers this morning.

We may have to work until about 12:30, unless we are able to get done with this business earlier than that, and then come back this afternoon at 3:00 or 4:00 o'clock, depending on what our workload looks like and go into the other matters that we haven't considered in this committee report, and by that time, hopefully, the Committee will also have a rule on lobbyists, and an amended order of business.

PRESIDENT GRAYBILL: Mr. Murray is having the Pages distribute the first two or three of those matters you're taking up, so you'll have them before you.

DELEGATE MURRAY: Thank you, Mr. President.

The first matter of business is this: Two additional vice-presidents shall be elected, one from each Congressional District of the State of Montana. Their duties shall be assigned by the President and neither shall have the right of succession.

Let me explain this briefly. We feel, in the Temporary Rules Committee, that the additional vice-presidents---and we don't call them second vice-president, or third vice-president---will be basically honorary positions. We feel that you will treat them as such. We do believe that their election should be as we have specified, one from each Congressional District of the State of Montana, one residing in each.

We feel that their primary responsibilities in the interim will be in the public relations capacity, and therefore, we would like to have it in each district. We do not believe that in the case of some tragedy where we should lose the President and the present Vice-President of this Convention, that these people should be considered in line of succession. Therefore, we have added the language that neither shall have the right of succession.

It is our opinion that the Convention would want to convene and have a new election and reorganize itself in that event.

Mr. President, I move that this Convention adopt the rule as I have stated it, and as it is written and being delivered to the desks.

PRESIDENT GRAYBILL: All right, the motion has been made by the Rules Committee Chairman that we adopt a resolution that there be two additional vice-presidents elected, one from each Congressional District, and that their duties be assigned by the President, and neither have the right of succession.

Is there any discussion on this resolution? Mr. Harlow.

DELEGATE HARLOW: I am in accord, to a certain extent, with this remark. I was thinking, primarily, of trying to spread these vice-presidents, along with our present President and Vice-President, geographically over the State rather evenly.

At the present time, our First Vice-President is from the west---from the western area. We realize---or I realize, that our President is from one Congressional District, and our present Vice-President is from another Congressional District, but my thinking was geographic---a little better geographic distribution, so that one of these vice-presidents would be elected from sort of the

southeast quarter of the State, and the other vice-president more from the northeast part of the State, to give us a little better geographic distribution, so that we would have a better public relations position from our various administrative officers, and that's the only thought I have in mind.

If we elect them from those two areas---in other words, the southeast and northeast, or get them both from the Eastern Congressional District.

I'm not going to suggest that we change this resolution to take out the one from each Congressional District, I merely want to put that out here for you to think about and consider, and if you think it's a good idea, then maybe you should change this around so that we would meet with that resolution, if you feel it is necessary to change the wording.

PRESIDENT GRAYBILL: Is there further discussion?

DELEGATE MURRAY: Mr. President, the Committee did consider where these people should be elected from, and whether it should be a woman or a man, and it was our concensus after discussing this thing at length, that this is the best that we could arrive at, and that the Delegates themselves should have the prerogative, in each district, who they would like to elect and whether it should be a man or a woman, or Independent, or a Republican, or a Democrat.

PRESIDENT GRAYBILL: Very well, is there further discussion on the resolution? Mr. Felt.

DELEGATE FELT: This is going to happen, and I'm not particularly opposed to it, as I suspect that it's unimportant and about the same decision that's been made.

I hadn't thought, until the very last few words I heard---if I heard them correctly---only part of us would vote on the election of one of the vice-presidents, and the other part vote in selecting one from the Congressional District, only if we happen to reside in that district, but maybe I misunderstood those remarks.

PRESIDENT GRAYBILL: Mr. Murray---

DELEGATE FELT: Frankly, I would be glad if one would be a man and one would be a woman, but I think that we should base this on merit, and I think the same principle applies to our geography.

Our President represents the entire State, and I think that our vice-presidents and all other officers should represent the entire State, and that we shouldn't vote on these by geographical lines, any more than on the lines of sex, age, or any other qualifications or disability.

Only for that reason, do I frankly prefer to say that the Delegation elect an additional two vice-presidents, the duties to be assigned by the President, and anyone

could be elected by all the Delegates.

PRESIDENT GRAYBILL: Is there further discussion?

DELEGATE MURRAY: Mr. President, we feel that the entire Convention should be entitled to vote, and I think we have already settled this issue on the Floor of this Convention, but we feel the entire Convention should be entitled to vote for each proposed vice-president, and we felt that the only fair way to do this, would be to have one from each Congressional District, if we had any restrictions at all, and whatever the Convention would like to do in this respect is fine; however, our deliberations were as the rule is proposed.

PRESIDENT GRAYBILL: Is there further discussion on this first proposal? Mr. Dahood.

DELEGATE DAHOOD: Mr. President, I'd like to rise and support the suggestion of the Committee report. As I understand it, from my inquiry, the reason for having vice-presidents, is for the purpose of assisting the work of this Convention being adopted by the citizenry of the State of Montana, so consequently, it seems to me, it would be more workable and more practical if we had a vice-president in each of the Congressional Districts, so his travel arrangements could be more easily put together, and he could serve our purposes with less expense and less inconvenience to himself.

So, as a consequence, I think we should adopt the suggestion that has been made, and elect a vice-president from each Congressional District.

PRESIDENT GRAYBILL: Is there further discussion on the resolution? Are you ready for the question?

Now, the Clerk informs me that we should be taking roll call votes on these, so I think what we will do, is that I'll open the ballot, and then I'll ask you to vote, and when I close the ballot, I'll ask the Clerk to make the machine take its roll call. Is that right, Walter?

Well, wait a minute, there's no sheets for the machine, so maybe we ought to just start taking roll call votes tomorrow. It would take us a long time, though.

Would the Convention be agreeable to taking the roll call vote after we get the paper, but for these procedural matters, let's dispense with the roll call vote? Unless I hear to the contrary, I'll do that, then. I thought the machine was ready.

All right. So now the ballot is open on the resolution of the Rules Committee that there be two additional vice-presidents elected, one from each Congressional District in the State of Montana. Their duties shall be assigned by the President, and neither shall have the right of succession.

Please understand that if you adopt this rule, and

the following one, or whatever you do with the following one, then we will take a short recess and talk it over, and then we will go ahead and ballot on these matters before we recess for lunch.

Now, all those in favor vote "Aye", those opposed vote "No".

Have all the Delegates voted? Does any Delegate wish to change his vote? If not, the vote is closed. Will the Clerk please tally the vote?

SECRETARY MARSHALL: Mr. President.

PRESIDENT GRAYBILL: Yes.

SECRETARY MARSHALL: Ninety-six Delegates have voted Aye, four Delegates have voted No.

PRESIDENT GRAYBILL: Ninety-six having voted Aye, four voting No, the resolution has passed. May I inquire of the Clerk, that isn't a roll call vote?

SECRETARY MARSHALL: The names aren't on it.

PRESIDENT GRAYBILL: The names aren't on it. I see. Okay.

Now, we'll go back to the Chairman of the Rules Committee. Do you have nother resolution?

DELEGATE MURRAY: Mr. President, let me read the next proposal:

A secretary shall be elected who shall have custody and preserve all proposals, resolutions, committee reports,

and all other records, books, documents and papers of the Convention and shall not permit them to be taken out of his custody, except in the regular course of the business of the Convention.

After consultation with the President, the secretary may delegate part of the duties to the executive director, or another employee designated by the President. The secretary may not, however, delegate the duty of certifying the revision or alteration of or amendment to the Constitution approved by the Convention for submission to the electorate.

It is the concensus of the Committee, that we should have an executive director of the Convention, and that we should have a secretary who would be primarily responsible for overseeing the duties of the executive director, and according to the rules, it would be the person in charge of those items stated in this rule.

I think, frankly, that this matter is self-explanatory, and at this time, I move the adoption of the Committee recommendation.

PRESIDENT GRAYBILL: All right, you have heard the resolution, is there discussion on the resolution? Mrs. Warden.

DELEGATE WARDEN: Mr. President, as a member of the Rules Committee, I thought I'd gotten all the "he's" and

"she's" out of this resolution, but it turned out that I didn't. It says "his custody". I would like to amend that to say "the custody of the secretary".

DELEGATE MURRAY: Mr. President, in deference to Mrs. Warden, and I defer to her wisdom in this respect, somehow in my handwritten notes, the word "the" was omitted.

PRESIDENT GRAYBILL: She just wants to get the word "his" out of there, and that's the point, I think.

DELEGATE MURRAY: I tried to strike the word "his" and add the word "the".

PRESIDENT GRAYBILL: May we consider it amended?

DELEGATE MURRAY: I would ask that it be considered amended.

PRESIDENT GRAYBILL: I do hope that---and I'm glad you raised the point, Mrs. Warden---but I think we ought to have a basic understanding that if in the syntax of English we slip a "his" or a "her" in the rest of this Convention, that it really doesn't mean that.

Recognize the Delegate from---Mr. Champoux.

DELEGATE CHAMPOUX: I'm a Montanan from the Flat-head, rather than just Kalispell.

The question I'd like to submit to the Chairman of the Rules Committee is, what about this certifying? Could you go into that in a little more detail? What exactly do

you mean by that? You said something about certifying the revision.

DELEGATE MURRAY: We're just talking about certifying the revision.

DELEGATE CHAMPOUX: What's the reason for that?

DELEGATE MURRAY: What's the reason for that? The reason for that, is because the Enabling Act specifies that the President or the Secretary shall sign those.

PRESIDENT GRAYBILL: Is that clear, Mr. Champoux?

DELEGATE CHAMPOUX: Yes.

PRESIDENT GRAYBILL: In other words, it's a matter of official signing. She can't delegate the duty of signing the papers.

DELEGATE CHAMPOUX: What I was concerned about, was what they meant by it, and I understand by those clarifications. Thank you.

PRESIDENT GRAYBILL: Is there other discussion of the---all right, Mr. Habedank.

DELEGATE HABEDANK: This is Otto Habedank from District 3. I would like to direct a question to the Chairman of the Rules Committee, as to whether or not, in their discussion relating to this, if it was determined by them that a non-delegate Secretary and Executive Director could perform both of these functions?

DELEGATE MURRAY: In response to that, the matter

was considered. It was my proposal to the Committee because of the language of the Enabling Act and because of my personal opinion, that the Secretary should be a Delegate and the Committee agreed after discussing this matter yesterday and today, that we should elect a Secretary from among the members of this Convention, and that the Executive Directorship should go to an employee, and this meets with Mr. Harris's approval, too.

PRESIDENT GRAYBILL: Is there further discussion on the resolution?

(No reply.)

Are you ready for the question?

DELEGATES: Question.

PRESIDENT GRAYBILL: All right, the question is on the Rules Committee's resolution that a Secretary be elected, and although the resolution before you doesn't say that, it's to be from within this body, who will have custody of and preserve all the proposals, resolutions, etc., and after consultation with the President, the Secretary may delegate part of the duties to the Executive Director, or other employees, which means that the actual keeping of the records may be done by the clerks, but that the Secretary may not delegate the duty of certifying the records and revisions, and so forth, of the Constitutional Convention.

Now, I've opened the ballot, and those in favor of that resolution please vote "Aye", and those opposed please vote "No".

Have you all voted? Does anyone wish to change his vote? All right, we'll close it quickly. Mr. Clerk, can you tell us what that vote was?

SECRETARY MARSHALL: Yes, sir. Mr. President.

PRESIDENT GRAYBILL: Yes, sir.

SECRETARY MARSHALL: One hundred Delegates have voted Aye, none voting No.

PRESIDENT GRAYBILL: Since you have unanimously voted Aye, that resolution is adopted.

The Chair will now recognize Mr. Marshall Murray again.

DELEGATE MURRAY: Mr. President, I move that this Convention recess for fifteen minutes, or until, by the clock---

SECRETARY MARSHALL: The new clock, sir.

DELEGATE MURRAY: ---the new clock, 11:50, November 30, 1971.

PRESIDENT GRAYBILL: All those in favor signify by saying "Aye", and---

DELEGATES: Aye.

PRESIDENT GRAYBILL: ---opposed.

(No reply.)

We're in recess until 11:50, at which time we will take up the election of these officers, so that's what the recess is for.

(Whereupon, the Convention recessed until 11:50.)

PRESIDENT GRAYBILL: The Convention will be in order.

The Convention will now proceed with the elections, and the Chair would like to suggest that in the event there are more than two candidates nominated for any of these offices that we are going to vote on, we'll take the preliminary vote, at least, orally, so that we'll just go around the room and shout out the name of the one we're voting for, and then if there's less than a majority, we can do it on the voting machine.

Secondly, if there are many people nominated, it is my intention to knock off either the last one, or the last two, depending on how many are nominated, until a majority is reached by some candidate. That doesn't mean that we're down to two, but until a majority is reached by some candidate. Is there anyone that objects to these ground rules for the election?

All right. Now, Mrs. Bates, you have a matter?

DELEGATE BATES: Mr. Chairman, I wondered if there would be any objection to taking the election of Secretary before the Vice-Presidents. I would like to have---

PRESIDENT GRAYBILL: You want to vote on the Secretary before the Vice-Presidents?

DELEGATE BATES: Yes.

PRESIDENT GRAYBILL: Mrs. Bates has made a suggestion that the Convention vote on the office of Secretary before the Vice-Presidents.

DELEGATE: Why?

PRESIDENT GRAYBILL: Mrs. Bates, they want to know why.

DELEGATE BATES: Because I have a candidate in mind that is interested in this position, and it may make a difference, then, in the Vice-President selection, also.

PRESIDENT GRAYBILL: Now, the Chair's position is this: Does anyone object to this? If no one objects, we can go ahead and do it, but if anyone objects, then let's do it in the reverse order.

Pardon? Does someone care to stand and make an objection? All right, Mrs. Bugby's objected, so the Chair takes it---the Chair is going to rule, unless you raise a point of order for the Parliamentarian, that we'll go ahead and elect the Vice-Presidents first, Mrs. Bates, and the Secretary second.

Now, I trust you wouldn't mind if the Chair ruled that we vote on the Vice-President from the East before the Vice-President from the West, or do you want to vote on that

issue? Let's vote on the East one first and the West one second.

Mrs. Bugby.

DELEGATE BUGBY: Mr. President, I object again. I'm sorry. Let's take one first and then two.

PRESIDENT GRAYBILL: Is the West one?

SECRETARY MARSHALL: Oh, yes, indeed.

PRESIDENT GRAYBILL: Oh, well pardon me.

Mr. Champoux.

DELEGATE CHAMPOUX: I think it should be done by the toss of a coin, please.

PRESIDENT GRAYBILL: Call it, Mr. Champoux.

DELEGATE CHAMPOUX: Heads.

PRESIDENT GRAYBILL: You're right. Which District do you want?

DELEGATE CHAMPOUX: East.

PRESIDENT GRAYBILL: Mrs. Bugby, you've been had.

All right, the nominations are now in order for Vice-President of this Convention from the Eastern Congressional District. Mr. Choate.

DELEGATE CHOATE: Mr. President, I'm Lyman Choate from District 2. I'd like very much to place in nomination the name of a man that has the respect and a good deal of admiration, I think, on the part of most all the Delegates here in this room.

He's a man, an Independent from the Eastern District, a constituent of mine, and it would please me very much to place in nomination the name of Bruce Brown.

PRESIDENT GRAYBILL: Bruce Brown has been nominated for Eastern Congressional District Vice-President.

Let's see. Mr. Davis.

DELEGATE DAVIS: Mr. President, Carl Davis, Delegate from District 21. I would like to second that nomination. Bruce Brown is an outstanding, practicing lawyer in the Eastern part of Montana, and I think he could do a great deal to help pass whatever constitution that may develop from this Convention.

I have a further reason, too, which I should share with the Convention, perhaps. When my wife found out I didn't vote for Bruce, my old longtime classmate and friend, yesterday, she left and returned to Dillon, so this may avoid a big alienation of affection suit, and I would heartily recommend Mr. Brown.

PRESIDENT GRAYBILL: Are there further nominations? The Chair recognizes Mark Etchart.

DELEGATE ETCHART: Mr. Chairman, I would like to place in nomination as Vice-President from the Eastern District, the name of Mags Aasheim.

Mags is no stranger to this Body, he was candidate for President. He's a four-term legislator, and I think

that in order to get some balance in our officers, that we should recognize an important segment of the State, which is agriculture, and Mags is a farmer and a rancher.

He's from the very eastern part of the Eastern District. He would be representative of a great part of the State, and I think that he'd make a very fine Vice-President.

PRESIDENT GRAYBILL: Now, the Chair rules that we don't need seconds, but if there is a second, I want to get it in before the next nomination. Mr. Hanson.

DELEGATE HANSON: Mr. Chairman, I rise to second the nomination of Mags Aasheim.

Although I have nothing against attorneys, believe me, and they're a necessary evil at times and at other times they're necessary, but I do think that we have two so far and that we should look at the agricultural segment of our State because, believe me, Montana is still primarily an agricultural State and I believe that Mags Aasheim would well represent that interest in this Convention.

PRESIDENT GRAYBILL: All right, are there further nominations? Mrs. Mansfield.

DELEGATE MANSFIELD: Rachell Mansfield from District 14. I would also like to go along with Mr. Hanson on Mags Aasheim.

PRESIDENT GRAYBILL: All right, are there further nominations?

DELEGATE DAVIS: Mr. President, a question, please.

PRESIDENT GRAYBILL: All right, a question.

DELEGATE DAVIS: When you referred to two attorneys, to whom are you referring, Mr. Hanson?

DELEGATE HANSON: Well, I believe that Mr. Graybill is an attorney, and I believe that Mr. Toole is an attorney.

PRESIDENT GRAYBILL: Mr. Toole will appreciate that honorary law degree, I'm sure.

DELEGATE HANSON: I'm sorry, I had you in the wrong camp.

PRESIDENT GRAYBILL: Mr. Toole, you just had a very high compliment paid you.

Are there other nominations for---Mr. Foster.

DELEGATE FOSTER: Mr. President, Don Foster, Delegate from District 10. I rise to second the nomination of Bruce Brown.

I was not going to get on my feet and belabor the time of this Convention, but when the question of farmers and lawyers was raised, I felt that we might all consider another consideration, and that being the question of an Independent, and inspite of the fact that I'm the first one that wants to see partisan politics taken out of this

Convention, I think it's important to note that Bruce Brown is an Independent. Thank you.

PRESIDENT GRAYBILL: That's not a political party, however. Mr. Harbaugh.

DELEGATE HARBAUGH: I thought we got rid of the partisan issue yesterday, but apparently we didn't.

PRESIDENT GRAYBILL: Except for, Mr. Harbaugh, we're not serious today. Go ahead.

DELEGATE HARBAUGH: I think that we ought to vote on these men on the terms of their qualifications, and I believe that Mr. Aasheim is very well qualified to represent the East District, and I would speak in his behalf.

PRESIDENT GRAYBILL: Are there other nominations? Mrs. Pemberton.

DELEGATE PEMBERTON: Mr. Chairman, I seconded the nomination for Bruce Brown yesterday and gave quite a bit of information on his family background, and this included information about one of the oldest ranches in the State of Montana. Thank you.

PRESIDENT GRAYBILL: Are there other nominations? Are there other nominations from the Eastern Congressional District?

(No reply.)

If not, the Chair will entertain a motion that the nominations be closed. Mr. Drum.

DELEGATE DRUM: Mr. President, Dave Drum from District 8. I, too, would like to rise in support of the nomination of Bruce Brown.

I would like to make a point that I think may be pertinent, at this point, in the consideration of these two candidates.

The point is this, that the ratification of our final product is probably, as we go along here, going to be the most important one factor on the minds of all of us, and I would feel that Bruce would do an excellent job---a superior job---in presenting the final product to the electorate for ratification because he is such a well respected gentleman in the eastern part of Montana.

I say this, probably, with a bit of partiality, as I grew up with the man in Miles City. I've known him for about fifty years, and he is held in reverence by the people that have known him and by people of both political parties, and I feel that his opinion, when presented at a later time, is going to be taken by many, many people as gospel, and I think we should consider this at this time. Thank you.

PRESIDENT GRAYBILL: The Chair would entertain a motion to close the nominations---Mrs. Bates, is that what you were going to do?

DELEGATE BATES: No, I was going to make another seconding.

PRESIDENT GRAYBILL: All right. I don't know what the count is now, but the Chair would like to suggest that we don't need any more seconds.

Yes, sir, Mr. Campbell.

DELEGATE CAMPBELL: I would like to move that the nominations for Vice-President from the Eastern Congressional District be closed.

PRESIDENT GRAYBILL: All right. All in favor say "Aye"...

DELEGATES: Aye.

PRESIDENT GRAYBILL: opposed "No".

(No reply.)

All right, the nominations are closed.

Now, the Clerk has suggested that the easiest way to do this, is he will call the roll and you will please state your choice, either Aasheim or Brown, alphabetically.

Are you ready?

SECRETARY MARSHALL: Yes, sir.

PRESIDENT GRAYBILL: Please call the roll for Vice-President from the Eastern Congressional District.

SECRETARY MARSHALL: Aasheim...Aasheim.

Anderson, John...Brown.

Anderson, Oscar L....Aasheim.

Arbanas...Brown.

Arness...Aasheim.

Aronow...Aasheim.

Artz...Aasheim.

Ask...Brown.

Babcock...Brown.

Barnard...Aasheim.

Bates...Aasheim.

Belcher...Brown.

Berg...Brown.

Berthelson...Brown.

Blaylock...Aasheim.

Blend...Aasheim.

Bowman...Brown.

Brazier...Brown.

Brown...Brown.

Bugbee...Brown.

Burkhardt...Brown.

Cain...Aasheim.

Campbell...Brown.

Cate...Brown.

Champoux...Aasheim.

Choate...Brown.

Conover...Brown.

Cross...Aasheim.

Dahood...Brown.

Davis...Brown.

Delaney...Brown.

Driscoll...Brown.

Drum...Brown.

Eck...Brown.

Erdmann...Brown.

Eskildsen...Aasheim.

Etchart...Aasheim.

Felt...Brown.

Foster...Brown.

Furlong...Aasheim.

Garlington...Brown.

Graybill...Aasheim.

Gysler...Brown.

Habedank...Aasheim.

Hanson, R. S....Brown.

Hanson, Rod...Aasheim.

Harbaugh...Aasheim.

Harlow...Aasheim.

Harper...Brown.

Harrington...Aasheim.

Heliker...Brown.

Holland...Aasheim.

Jacobsen...Brown.

James...Brown.

Johnson...Brown.

Joyce...Aasheim.

Kamhoot...Brown.

Kelleher...Brown.

Leuthold...Brown.

Loendorf...Brown.

Lorello...Aasheim.

Mahoney...Brown.

Mansfield...Aasheim.

Martin...Aasheim.

McCarvel...Aasheim.

McDonough...Brown.

McKeon...Aasheim.

McNeil...Brown.

Melvin...Aasheim.

Monroe...Brown.

Murray...Brown.

Noble...Brown.

Nutting...Brown.

Payne...Brown.

Pemberton...Brown.

Rebal...Aasheim.

Reichert...Brown.

Robinson...Brown.

Roeder...Aasheim.

Rollins...Brown.

Romney...Aasheim.

Rygg...Aasheim.

Scanlin...Brown.

Schiltz...Brown.

Siderius...Aasheim.

Simon...Brown.

Skari...Aasheim.

Sparks...Brown.

Speer...Brown.

Studer...Brown.

Sullivan...Aasheim.

Swanberg...Aasheim.

Toole...Brown.

Van Buskirk...Aasheim.

Vermillion...Aasheim.

Wagner...Aasheim.

Ward...Aasheim.

Warden...Aasheim.

Wilson...Brown.

Woodmansey...Aasheim.

PRESIDENT GRAYBILL: Will the Clerk announce the tally?

SECRETARY MARSHALL: Mr. President, fifty-seven Delegates have voted for candidate Brown, forty-three Delegates have voted for candidate Aasheim.

PRESIDENT GRAYBILL: Mr. Brown, if you will remain in your seat until we get the other Vice-President, I will have you escorted. I'm not overlooking it.

We'll now entertain nominations for Vice-President of this Convention from the Western Congressional District. Mr. Dahood.

Mr. Dahood, pardon me a moment. The Chair would like to suggest, in the interest of the noon hour, that we limit the seconds to one apiece. Now, that's a little different rule than in the East, but I think the West can work with that rule.

Okay, Mr. Dahood.

DELEGATE DAHOOD: Mr. President, thank you. I think Delegate Dave Drum highlighted the need of having someone serve in the Vice-Presidential capacity that is articulate and persuasive and can go out among the citizens and convince those citizens that the work that we have done here deserves their recommendation and their approval for the progress of the State of Montana.

We have such a person in the Western District who can do exactly that. This particular person has served our cause, the cause of the people of the State of Montana, with superb efficiency already. In fact, that Referendum 67 passed, and that we are now in session. She was one of the members of the Executive Committee that had as its

task the dissemination of information throughout the State of Montana so that there would be a favorable vote with respect to Referendum 67. As an original member of the Constitutional Revision Commission, one of our real concerns, was whether or not the citizens of this State would pass Referendum 67.

This woman has served as President of the League of Women Voters of the State of Montana. She is from Gallatin County. I'm personally acquainted with her and her family. She has served with respect to youth activity, and has served the University System on a bipartisan basis.

I might say this, that her efforts have been so exemplary in her area, that although I understand that it's a highly Republican area, as a Democrat, she ran first, and consequently proved that she is articulate and persuasive and can serve this Convention in the type of capacity that we will require to have the new constitution passed by the citizens.

It is my privilege and pleasure to place in nomination, at this time, Dorothy Eck from Gallatin County.

PRESIDENT GRAYBILL: Is there a second for Mrs. Eck? Mr. Berg.

DELEGATE BERG: Ben berg from District 11. I join with Mr. Dahood in highly recommending my fellow Delegate, Dorothy Eck. And may I say, that I consider her not only

a worthy Delegate and an emmense vote getter, but a delightful lady.

PRESIDENT GRAYBILL: All right, are there other nominations---Mr. Toole.

DELEGATE TOOLE: I have heard a good deal of eloquence about Mrs. Eck, all of which is highly deserved, and I would consider it a privilege to second her nomination.

PRESIDENT GRAYBILL: All right, are there other nominations for the Western District? Mr. McCarvel.

DELEGATE McCARVEL: Mr. President, Joseph McCarvel from District 19. After hearing all the eloquent accomplishments of Mrs. Eck, I feel a little remiss, but we, too, in Butte, have a woman that I think would meet the challenge of selling this constitution. She has been National Past-President of the Rotana Club and National Past-President of the National Council of Catholic Women. So, at this time, I would like to place in nomination the name of Veronica Sullivan.

PRESIDENT GRAYBILL: Veronica Sullivan has been nominated, is there a second? Mr. Blaylock.

DELEGATE BLAYLOCK: Mr. Chairman, may I place another name in nomination at this time?

PRESIDENT GRAYBILL: Is there a second to Mrs. Sullivan? We don't need seconds. Mr. Holland.

DELEGATE HOLLAND. Dave Holland. I wish to recommend Mrs. Sullivan as a fine woman, and a fine candidate, and someone who will serve very ablely if she is so elected.

PRESIDENT GRAYBILL: Now, Mr. Blaylock.

DELEGATE BLAYLOCK: Mr. Chairman, one of the qualifications that has been repeatedly stated here, is the business of being able to sell this constitution in their area, and I should like to place this person's name in nomination because I believe that she has these qualifications; charm, the ability to speak to people, a good vote getter, a great understanding of Montana, and I should like to place in nomination the name of the Former First Lady of Montana, Betty Babcock.

PRESIDENT GRAYBILL: Mrs. Babcock has been nominated. Now, are there seconds for Mrs. Babcock's nomination? We don't need seconds.

All right. Now, other nominations? Mr. Jacobsen.

DELEGATE JACOBSEN: Mr. President, I wish to place in nomination the name of a man who has been a Representative to the State Legislature for four terms. He was Chairman of the Long Range Building Commission. He was Vice-Chairman of the Appropriations Committee. He was Chairman of the Appropriations Subcommittee of the

University and Institution Systems. He is a successful businessman, an honest, civic-minded man with the integrity we need to help lead us to a successful conclusion to this Convention. I place in nomination, Sterling Rygg of Whitefish and Kalispell, District 16.

PRESIDENT GRAYBILL: Sterling Rygg's name has been placed in nomination. Is there a second for Sterling Rygg?

DELEGATE: I would like to address myself to that nomination, please, Mr. Chairman.

PRESIDENT GRAYBILL: All right, Mr. Champoux.

DELEGATE CHAMPOUX: I've known Sterling Rygg ever since I've been in the Flathead. I've found him a fine gentleman, a humble man, and even at times, a statesman.

Throughout the campaign, he was always looked upon as a fair person, and even though he's an automobile dealer, he's the kind of a man I'd buy a used car from.

PRESIDENT GRAYBILL: All right, the Chair will entertain further nominations. Mr. Siderius.

DELEGATE SIDERIUS: I would also like to second the nomination of Sterling Rygg. I think he'll do a fine job.

PRESIDENT GRAYBILL: All right, now the Chair will entertain further nominations. Mr. Aasheim.

DELEGATE AASHEIM: Mr. Chairman, I would like to

put in nomination the name of Grace Bates. This is a tremendous worker, and would add considerable to the beauty of the rostrum.

PRESIDENT GRAYBILL: All right, the name of Grace Bates has been added to the list of those running for Vice-President from the Western Congressional District. Is there a second for Mrs. Bates? Mr. Belcher.

DELEGATE BELCHER: Mr. Chairman, I have only met Grace Bates in the last three or four days we have been here in Helena, but I find her to be a very independent thinking lady, and I think she would be good for the office of Vice-President. Thank you.

PRESIDENT GRAYBILL: Are there other nominations for Vice-President from the Western Congressional District? Mr. Roeder.

DELEGATE ROEDER: Mr. President, would a motion to close the nominations be in order?

PRESIDENT GRAYBILL: Not if anybody else wants to stand up. Mrs. Babcock.

DELEGATE BABCOCK: Mr. Chairman, I would like to withdraw my name as a candidate, as I feel that any one of these other candidates would be better qualified for this position than I would. Thank you.

PRESIDENT GRAYBILL: Mr. Blaylock, is that all right with you? Mrs. Babcock has asked that her name be

withdrawn from the list.

DELEGATE BLAYLOCK: Yes.

PRESIDENT GRAYBILL: All right, it will so be done.

All right, now, are there other nominations for Western District Vice-President?

(No reply.)

If not, Mr. Roeder, now we will entertain that motion.

DELEGATE ROEDER: Mr. Chairman, I move that the nominations be closed.

PRESIDENT GRAYBILL: All right, all those in favor say "Aye"...

DELEGATES: Aye.

PRESIDENT GRAYBILL: Opposed...

(No reply.)

All right, the nominations are closed. Now, the Clerk will call the roll, and this time you will have to announce the name of the five---oh, pardon me, Mrs. Sullivan.

DELEGATE SULLIVAN: Mr. President and fellow Delegates and my two constituents who thought I should be nominated, I think you most sincerely, but I would like to decline.

PRESIDENT GRAYBILL: All right, we're going to ask your two constituents. Now, Mr. Holland and Mr. McCarvel,

may she withdraw?

DELEGATE HOLLAND: Yes.

DELEGATE McCARVEL: Yes.

PRESIDENT GRAYBILL: All right, we'll take Mrs. Sullivan's name off.

All right. Now, we're voting on Dorothy Eck, Sterling Rygg and Grace Bates.

Dorothy Eck---Dorothy, stand up, please. Some people may not know everybody. Sterling Rygg, stand up, please and Grace Bates, stand up, please.

Okay. The Clerk will call the roll to elect the Vice-President from the Western Congressional District.

SECRETARY MARSHALL: Aasheim...Bates.

Anderson, John...Eck.

Anderson, Oscar L....Eck.

Arbanas...Eck.

Arness...Bates.

Aronow...Bates.

Artz...Bates.

Ask...Bates.

Babcock...Rygg.

Barnard...Bates.

Bates...Bates.

Belcher...Bates.

Berg...Eck.

Berthelson...Rygg.

Blaylock...Bates.

Blend...Bates.

Bowman...Eck.

Brazier...Eck.

Brown...Bates.

Bugbee...Eck.

Burkhardt...Eck.

Cain...Rygg.

Campbell...Eck.

Cate...Bates.

Champoux...Rygg.

Choate...Eck.

Conover...Bates.

Cross...Bates.

Dahood...Eck.

Davis...Eck.

Delaney...Eck.

Driscoll...Eck.

Drum...Eck.

Eck...Eck.

Erdmann...Rygg.

Eskildsen...Bates.

Etchart...Rygg.

Felt...Eck.

Foster...Eck.

Furlong...Rygg.

Garlington...Rygg.

Graybill...Bates.

Gysler...Rygg.

Habedank...Eck.

Hanson, R. S....Rygg.

Hanson, Rod...Bates.

Harbaugh...Eck.

Harlow...Rygg.

Harper...Eck.

Harrington...Bates.

Heliker...Eck.

Holland...Bates.

Jacobsen...Rygg.

James...Bates.

Johnson...Eck.

Joyce...Bates.

Kamhoot...Bates.

Kelleher...Bates.

Leuthold...Rygg.

Loendorf...Eck.

Lorello...Eck.

Mahoney...Bates.

Mansfield...Rygg.

Martin...Eck.

McCarvel...Bates.

McDonough...Bates.

McKeon...Bates.

McNeil...Eck.

Melvin...Eck.

Monroe...Eck.

Murray...Rygg.

Noble...Rygg.

Nutting...Rygg.

Payne...Rygg.

Pemberton...Rygg.

Rebal...Rygg.

Reichert...Eck.

Robinson...Eck.

Roeder...Eck.

Rollins...Eck.

Romney...Bates.

Rygg...Rygg.

Scanlin...Rygg.

Schiltz...Bates.

Siderius...Rygg.

Simon...Eck.

Skari...Eck.

Sparks...Bates.

Speer...Eck.

Studer...Rygg.

Sullivan...Bates.

Swanberg...Rygg.

Toole...Eck.

Van Buskirk...Eck.

Vermillion...Eck.

Wagner...Rygg.

Ward...Rygg.

Warden...Bates.

Wilson...Rygg.

Woodmansey...Rygg.

PRESIDENT GRAYBILL: Mr. Clerk, will you announce the ballot?

SECRETARY MARSHALL: Mr. President, the following vote: Candidate Eck, thirty-nine, candidate Bates, thirty-two, candidate Rygg, twenty-nine.

PRESIDENT GRAYBILL: All right, no majority having been attained, the name of Sterling Rygg will be dropped, and will you please read the roll call and we will ballot again.

Now, this time, may I suggest that it's Dorothy Eck and Grace Bates, and maybe it will be easier to distinguish. Mr. Harbaugh.

DELEGATE HARBAUGH: Gene Harbaugh, District 4.

Would it be possible to vote using the mikes? Could all the mikes be opened?

SECRETARY MARSHALL: No, just plain English language. It has nothing to do with the mikes.

PRESIDENT GRAYBILL: I think you can just say "Grace Bates" or "Dorothy Eck", and I think he can get Grace and Dorothy.

Mr. Marshall, are you ready to read?

SECRETARY MARSHALL: Yes.

PRESIDENT GRAYBILL: Very well.

SECRETARY MARSHALL: Aasheim...Grace Bates.

Anderson, John...Dorothy Eck.

Anderson, Oscar L....Dorothy Eck.

Arbanas...Dorothy Eck.

Arness...Grace Bates.

Aronow...Grace Bates.

Artz...Grace Bates.

Ask...Grace Bates.

Babcock...Grace Bates.

Barnard...Grace Bates.

Bates...Grace Bates.

Belcher...Grace Bates.

Berg...Dorothy Eck.

Berthelson...Dorothy Eck.

Blaylock...Grace Bates.

Blend...Grace Bates.

Bowman...Dorothy Eck.

Brazier...Dorothy Eck.

Brown...Dorothy Eck.

Bugbee...Dorothy Eck.

Burkhardt...Dorothy Eck.

Cain...Grace Bates.

Campbell...Dorothy Eck.

Cate...Grace Bates.

Champoux...Grace Bates.

Choate...Dorothy Eck.

Conover...Grace Bates.

Cross...Grace Bates.

Dahood...Dorothy Eck.

Davis...Dorothy Eck.

Delaney...Dorothy Eck.

Driscoll...Dorothy Eck.

Drum...Dorothy Eck.

Eck...Dorothy Eck.

Erdmann...Grace Bates.

Eskildsen...Grace Bates.

Etchart...Dorothy Eck.

Felt...Dorothy Eck.

Foster...Dorothy Eck.

Furlong...Grace Bates.

Garlington...Dorothy Eck.

Graybill...Grace Bates.

Gysler...Grace Bates.

Habedank...Dorothy Eck.

Hanson, R.S....Grace Bates.

Hanson, Rod...Grace Bates.

Harbaugh...Dorothy Eck.

Harlow...Grace Bates.

Harper...Dorothy Eck.

Harrington...Grace Bates.

Heliker...Dorothy Eck.

Holland...Grace Bates.

Jacobsen...Grace Bates.

James...Grace Bates.

Johnson...Dorothy Eck.

Joyce...Grace Bates.

Kamhoot...Grace Bates.

Kelleher...Grace Bates.

Leuthold...Dorothy Eck.

Loendorf...Dorothy Eck.

Lorello...Dorothy Eck.

Mahoney...Grace Bates.

Mansfield...Grace Bates.

Martin...Dorothy Eck.

McCarvel...Grace Bates.

McDonough...Grace Bates.

McKeon...Grace Bates.

McNeil...Dorothy Eck.

Melvin...Dorothy Eck.

Monroe...Dorothy Eck.

Murray...Grace Bates.

Noble...Grace Bates.

Nutting...Dorothy Eck.

Payne...Dorothy Eck.

Pemberton...Dorothy Eck.

Rebal...Grace Bates.

Reichert...Dorothy Eck.

Robinson...Dorothy Eck.

Roeder...Dorothy Eck.

Rollins...Dorothy Eck.

Romney...Grace Bates.

Rygg...Grace Bates.

Scanlin...Dorothy Eck.

Schiltz...Grace Bates.

Siderius...Grace Bates.

Simon...Dorothy Eck.

Skari...Dorothy Eck.

Sparks...Grace Bates.

Speer...Dorothy Eck.

Studer...Dorothy Eck.

Sullivan...Grace Bates.

Swanberg...Grace Bates.

Toole...Dorothy Eck.

Van Buskirk...Dorothy Eck.

Vermillion...Dorothy Eck.

Wagner...Grace Bates.

Ward...Grace Bates.

Warden...Grace Bates.

Wilson...Grace Bates.

Woodmansey...Dorothy Eck.

PRESIDENT GRAYBILL: The House will be in order. The Clerk will announce the vote.

SECRETARY MARSHALL: Mr. President, fifty Delegates have voted for Dorothy Eck and fifty Delegates have voted for Grace Bates.

PRESIDENT GRAYBILL: Just a moment. The Chair has polled the two candidates, and it's the preponderance of their opinion, if you can figure that one out, that we postpone another vote until after lunch, in the interest of time, so I'll recognize Mr. Murray.

DELEGATE: May I ask a question on the vote?

PRESIDENT GRAYBILL: All right. We ll take a question on the vote, Mr. Harper. At least we'll hear it.

DELEGATE HARPER: Just to clear it up in my own mind, how is this vote being counted? Who keeps track of

this as we go along?

PRESIDENT GRAYBILL: Well, we've got about three people keeping track and, in fact, the Parliamentarian kept track, so we had four people and they all agreed that it was fifty-fifty.

DELEGATE HARPER: All right. Thank you.

DELEGATE MURRAY: Mr. President.

PRESIDENT GRAYBILL: Mr. Murray.

DELEGATE MURRAY: I move that the Convention recess until 3:30 p.m., November 30, 1971.

PRESIDENT GRAYBILL: All right. Now, if we do that, we will at that time, as the first order of business, vote again on this, and we'll secondly vote on the Secretaryship, and then we will take up three other little items from the Rules Committee at that time.

All in favor of the motion to recess until 3:30 say "Aye"...

DELEGATES: Aye.

PRESIDENT GRAYBILL: those opposed...

(No reply.)

We're in recess.

(Whereupon, at 12:40 o'clock p.m., the Convention was recessed until 3:30 o'clock p.m., November 30, 1971.

AFTERNOON SESSION

November 30, 1971 3:35 o'clock p.m.

PRESIDENT GRAYBILL: The Convention will be in order.

The Chair is of the opinion that the first order of business is to reballot on the Vice-President for the Western District, and the candidates are Dorothy Eck and Grace Bates.

Is the Clerk ready to call the roll?

SECRETARY MARSHALL: Yes, sir.

PRESIDENT GRAYBILL: All right, the Clerk will again call the roll, and he's asked that you please use the first names, if you can---Dorothy Eck and Grace Bates---and speak out loud and clear, and we'll see what happens.

SECRETARY MARSHALL: Aasheim...Grace Bates.

Anderson, John...Grace Bates.

Anderson, Oscar L....Dorothy Eck

Arbanas...Dorothy Eck.

Arness...Grace Bates.

Aronow...Grace Bates.

Artz...Grace Bates.

Ask...Dorothy Eck.

Babcock...Dorothy Eck.

Barnard...Grace Bates.

Bates...Grace Bates.

Belcher...Grace Bates.

Berg...Dorothy Eck.

Berthelson...Dorothy Eck.

Blaylock...Grace Bates.

Blend...Grace Bates.

Bowman...Dorothy Eck.

Brazier...Dorothy Eck.

Brown...Dorothy Eck.

Bugbee...Dorothy Eck.

Burkhardt...Dorothy Eck.

Cain...Grace Bates.

Campbell...Dorothy Eck.

Cate...Dorothy Eck.

Champoux...Dorothy Eck.

Choate...Dorothy Eck.

Conover...Grace Bates.

Cross...Grace Bates.

Dahood...Dorothy Eck.

Davis...Dorothy Eck.

Delaney...Grace Bates.

Driscoll...Dorothy Eck.

Drum...Dorothy Eck.

Eck...Dorothy Eck.

Erdmann...Grace Bates.

Eskildsen...Grace Bates.

Etchart...Dorothy Eck.

Felt...Dorothy Eck.

Foster...Dorothy Eck.

Furlong...Grace Bates.

Garlington...Dorothy Eck.

Graybill...Grace Bates.

Gysler...Grace Bates.

Habedank...Dorothy Eck.

Hanson, R. S....Grace Bates.

Hanson, Rod...Grace Bates.

Harbaugh...Dorothy Eck.

Harlow...Grace Bates.

Harper...Dorothy Eck.

Harrington...Grace Bates.

Heliker...Dorothy Eck.

Holland...Grace Bates.

Jacobsen...Dorothy Eck.

James...Grace Bates.

Johnson...Dorothy Eck.

Joyce...Grace Bates.

Kamhoot...Dorothy Eck.

Kelleher...Grace Bates.

Leuthold...Dorothy Eck.

Loendorf...Dorothy Eck.

Lorello...Dorothy Eck.

Mahoney...Grace Bates.

Mansfield...Grace Bates.

Martin...Dorothy Eck.

McCarvel...Dorothy Eck.

McDonough...Dorothy Eck.

McKeon...Grace Bates.

McNeil...Dorothy Eck.

Melvin...Dorothy Eck.

Monroe...Dorothy Eck.

Murray...Grace Bates.

Noble...Grace Bates.

Nutting...Dorothy Eck.

Payne...Dorothy Eck.

Pemberton...Grace Bates.

Rebal...Grace Bates.

Reichert...Dorothy Eck.

Robinson...Dorothy Eck.

Roeder...Dorothy Eck.

Rollins...Dorothy Eck.

Romney...Grace Bates.

Rygg...Dorothy Eck.

Scanlin...Dorothy Eck.

Schiltz...Dorothy Eck.

Siderius...Grace Bates.

Simon...Dorothy Eck.

Skari...Dorothy Eck.

Sparks...Grace Bates.

Speer...Dorothy Eck.

Studer...Dorothy Eck.

Sullivan...Grace Bates.

Swanberg...Grace Bates.

Toole...Dorothy Eck.

Van Buskirk...Dorothy Eck.

Vermillion...Grace Bates.

Wagner...Grace Bates.

Ward...Dorothy Eck.

Warden...Grace Bates.

Wilson...Dorothy Eck.

Woodmansey...Dorothy Eck.

PRESIDENT GRAYBILL: Will the Clerk announce the tally?

SECRETARY MARSHALL: Mr. President, fifty-eight Delegates have voted for Dorothy Eck, forty-two Delegates have voted for Grace Bates.

PRESIDENT GRAYBILL: That elects Dorothy Eck for Western Vice-President of this Constitutional Convention.

Now, I wonder if Mr. Eskildsen would escort Dorothy Eck and I wonder if Jean Bowman would escort Bruce Brown to the podium so that we may have them presented.

DELEGATE BATES: Mr. Chairman.

PRESIDENT GRAYBILL: Mrs. Bates.

DELEGATE BATES: Grace Bates from District 11. I would like to have this a unanimous ballot. Could we pass a unanimous ballot for Dorothy Eck?

PRESIDENT GRAYBILL: All those in favor of casting a unanimous ballot for Dorothy Eck say "Aye"...

DELEGATES: Aye.

PRESIDENT GRAYBILL: those opposed...

(No reply.)

You've just won unanimously, Dorothy.

SECRETARY MARSHALL: There has been a unanimous ballot cast for Dorothy Eck for Vice-President from the Western District.

PRESIDENT GRAYBILL: I want to present to you your new Western District Vice-President and Eastern District Vice-President, who have now been elected and will serve in these capacities throughout this Convention.

The Chair now presumes we will vote on the office of Secretary---we will nominate for the office of Secretary.

Now, you will remember, we approved a resolution this morning that a Secretary was to have the custody, and so forth, of the books, and so forth, and that the duties of the Secretary could be delegated to the Executive

Director or other employees, except that the duties of certifying the revisions or alterations or amendments to the Constitution cannot be delegated.

All right, the Chair will now recognize people for nominations for Secretary. All right, Mr. Monroe.

DELEGATE MONROE: Mr. President, it is my honor to rise to nominate a friend of mine for about ten years. He's a friend from my home community. He is a great organization man. He is a great workman. He's a great friend of youth and others.

He wants to serve in the capacity of Secretary of the Constitutional Convention. He's a man that not only wants to serve in an honorary way, but would also like to do many of the things that his talents lend to him, such as organization, and abilities that he has.

His name is Harold Arbanas, and I place his name in nomination at this time.

PRESIDENT GRAYBILL: The name of Harold Arbanas has been placed in nomination. Is there one second for Harold Arbanas?

DELEGATE: Mr. President, my name is William Swanberg from District 13.

PRESIDENT GRAYBILL: Mr. Swanberg.

DELEGATE SWANBERG: I would heartily second the motion just made by Lyle Monroe. Harold Arbanas is known in

Great Falls as a distinguished worker, a hard worker, and I think he will do a good job for this Convention.

PRESIDENT GRAYBILL: All right. Now, the Chair will recognize someone for other nominations for the office of Secretary. Mrs. Bates.

DELEGATE BATES: Mr. Chairman, Grace Bates from District 11. I would like to place in nomination the name of a woman who has been a civic worker for many years. She has been Secretary and Curator of the museum in Glendive for thirteen years. She's been active in many organizations, serving as County President in the Women's Club, and at this time, I nominate Louise Cross from Glendive.

PRESIDENT GRAYBILL: The name of Louise Cross has been nominated for Secretary of this Convention. Is there a second for Mrs. Cross? Mr. Jacobsen.

DELEGATE JACOBSEN: Arnold Jacobsen, District 3. I have known Louise Cross for approximately seventeen years, and during this time, she served in various capacities of responsibility. Each time when---and I wish to emphasize the two words "each time"---she has done her job excellently, conscientiously, and each time the job has been well done.

DELEGATE: Mr. President.

PRESIDENT GRAYBILL: Mr. Rollins.

DELEGATE ROLLINS: I'm George Rollins from District 8, and I wish to place in nomination the name of a person who has been an active and articulate proponent of constitutional revision, who has been a leader in the activities of the League of Women Voters, who has been active in civic and community affairs, one who is a housewife and mother, one who has the ability to be an effective and competent Secretary. I wish to nominate Jean Bowman.

PRESIDENT GRAYBILL: The name of Jean Bowman has been placed in nomination. Mr. Cate.

DELEGATE CATE: Jerry Cate from District 8. I rise to second the nomination of Mrs. Jean Bowman for Secretary. Jean Bowman is what I call a beautiful person. She is bipartisan, she is gracious, kind, generous and fair, and extremely competent to perform any task which might be assigned to her as Secretary.

She has been active in our community in the League of Women Voters, in various other civic efforts, and she's the type of person who throws her whole heart and soul into everything that she does.

There is also another thing, Jean Bowman received 12,475 votes for the office of Delegate, which was the second highest number of votes cast in the State of Montana for a Delegate, and I feel that she really does represent a lot of people, and I would like to second her nomination.

PRESIDENT GRAYBILL: All right, Jean Bowman's name has been placed in nomination. Are there other nominations? Mr. Arness.

DELEGATE ARNESS: Mr. President, Frank Arness, District 23. I wish to place in nomination the name of a man who is qualified both by virtue of his scholarship and his experience for the job of Secretary. I move the nomination of Paul Harlow from Thompson Falls.

Paul has spent five terms in the Montana Legislature, and he has been active for almost thirty years in local community affairs, in county affairs and in statewide affairs. I move his nomination for Secretary.

PRESIDENT GRAYBILL: All right, Paul Harlow has been nominated. Is there a second for Paul Harlow? Mr. Driscoll.

DELEGATE DRISCOLL: Mr. President, I would like to second the nomination of Paul Harlow. He's probably the most conscientious man I've ever known. In his activity as a legislator, he's been more a friend of the people, and I'm very proud to second the nomination of Paul Harlow.

PRESIDENT GRAYBILL: All right, his name has been added to those. Are there other nominations? Mr. James.

DELEGATE JAMES: George James, District 23. I just wanted to second Paul Harlow's nomination.

PRESIDENT GRAYBILL: All right, are there other nominations? Are there other nominations?

(No reply.)

If not, the Chair will entertain a motion to close the nominations. Mr. Harbaugh---

DELEGATE DRUM: Drum from District 8.

PRESIDENT GRAYBILL: Oh, excuse me. I'm a row too far. Mr. Drum.

DELEGATE DRUM: Have you imposed a rule of one second in this---

PRESIDENT GRAYBILL: Well, I haven't imposed it, but I've suggested it.

DELEGATE DRUM: Oh, you've suggested it.

I move the nominations be closed.

PRESIDENT GRAYBILL: All right, there's been a motion that the nominations be closed. All in favor say "Aye"...

DELEGATES: Aye.

PRESIDENT GRAYBILL: opposed...

(No reply.)

All right, the nominations are closed.

Now, we have four to vote for, and the rules, to review them, that we're going to operate under, are that if anyone receives a majority, that's it. If not, we will knock off the last name and vote again. And we'll call

the roll and you'll call out the name.

Harold Arbanas---let's have these people stand. Harold Arbanas, please stand; Louise Cross, please stand; Jean Bowman, please stand; Paul Harlow, please stand.

Very well. Mr. Clerk, will you call the roll?

SECRETARY MARSHALL: Aasheim...Cross.

Anderson, John...Bowman.

Anderson, Oscar L....Cross.

Arbanas...Arbanas.

Arness...Harlow.

Aronow...Harlow.

Artz...Arbanas.

Ask...Bowman.

Babcock...Bowman.

Barnard...Cross.

Bates...Cross.

Belcher...Pass.

Berg...Bowman.

Berthelson...Bowman.

Blaylock...Cross.

Blend...Bowman.

Bowman...Bowman.

Brazier...Bowman.

Brown...Bowman.

Bugbee...Arbanas.

Burkhardt...Bowman.

Cain...Harlow.

Campbell...Bowman.

Cate...Bowman.

Champoux...Bowman.

Choate...Bowman.

Conover...Bowman.

Cross...Cross.

Dahood...Harlow.

Davis...Harlow.

Delaney...Harlow.

Driscoll...Harlow.

Drum...Bowman.

Eck...Bowman.

Erdmann...Bowman.

Eskildsen...

Etchart...Bowman.

Felt...Bowman.

Foster...Bowman.

Furlong...Arbanas.

Garlington...Bowman.

Graybill...Cross.

Gysler...Bowman.

Habedank...Cross.

Hanson, R. S....Bowman.

Hanson, Rod...Harlow.

Harbaugh...Cross.

Harlow...Harlow.

Harper...Bowman.

Harrington...Arbanas.

Heliker...Bowman.

Holland...Arbanas.

Jacobsen...Bowmen.

James...Harlow.

Johnson...Bowman.

Joyce...Harlow.

Kamhoot...Bowman.

Kelleher...Bowman.

Leuthold...Bowman.

Loendorf...Bowman.

Lorello...Arbanas.

Mahoney...Bowman.

Mansfield...Arbanas.

Martin...Bowman.

McCarvel...Arbanas.

McDonough...Cross.

McKeon...Arbanas.

McNeil...Bowman.

Melvin...Bowman.

Monroe...Arbanas.

Murray...Harlow.

Noble...Arbanas.

Nutting...Bowman.

Payne...Bowman.

Pemberton...Bowman.

Rebal...Arbanas.

Reichert...Bowman.

Robinson...Bowman.

Roeder...Arbanas.

Rollins...Bowman.

Romney...Harlow.

Rygg...Harlow.

Scanlin...Bowman.

Schiltz...Bowman.

Siderius...Arbanas.

Simon...Bowman.

Skari...Arbanas.

Sparks...Bowman.

Speer...Bowman.

Studer...Bowman.

Sullivan...Arbanas.

Swanberg...Arbanas.

Toole...Bowman.

Van Buskirk...Arbanas.

Vermillion...Arbanas.

Wagner...Arbanas.

Ward...Bowman.

Warden...Arbanas.

Wilson...Bowman.

Woodmansey...Arbanas.

Does the gentleman from the great highline wish to vote?

DELEGATE ESKILDSEN: I'll vote for the winner, Jean Bowman.

SECRETARY MARSHALL: Mr. Eskildsen is now present and votes for Bowman.

Does Mr. Belcher still wish to pass? Mr. Belcher?

DELEGATE BELCHER: Pass.

SECRETARY MARSHALL: You still pass. All right.

Mr. President, candidate Bowman, fifty-two votes; candidate Arbanas, thirty-three votes; candidate Harlow, fourteen votes; candidate Cross, ten votes.

PRESIDENT GRAYBILL: By your vote, you have elected Jean Bowman Secretary of this Convention.

Would Vice-President Brown be good enough to return the honors to Mrs. Bowman?

Ladies and gentlemen, I present to you Mrs. Bowman, who has been elected the Secretary of this Constitutional Convention. Congratulations.

DELEGATE CHAMPOUX: Mr. Chairman.

PRESIDENT GRAYBILL: Mr. Champoux.

DELEGATE CHAMPOUX: We just added up those totals. Could you give us the totals again, please?

SECRETARY MARSHALL: For the gentleman from Boston, sir, one passed, fifty-two and ten is sixty-two, sixty-two and twenty-three and fourteen. Sixty-six, seventy-six.

DELEGATE CHAMPOUX: Ninety-nine. Thank you.

SECRETARY MARSHALL: Any time, sir.

DELEGATE: Mr. President.

PRESIDENT GRAYBILL: Mr. Harlow.

DELEGATE HARLOW: I realize I can't speak for the other candidates, but I would move now that we cast a unanimous ballot for Jean Bowman for Secretary.

PRESIDENT GRAYBILL: Mr. Arbanas, do you want to second that motion?

DELEGATE ARBANAS: Yes.

PRESIDENT GRAYBILL: And Mrs. Cross, do you want to third that motion?

DELEGATE CROSS: I certainly do.

PRESIDENT GRAYBILL: All right, all those in favor say "Aye"...

DELEGATES: Aye.

PRESIDENT GRAYBILL: opposed...

(No reply.)

We have now cast a unanimous ballot in your favor, Jean.

SECRETARY MARSHALL: As Temporary Secretary of the Montana Constitutional Convention, I cast a unanimous ballot for Mrs. Bowman for Secretary of the Montana Constitutional Convention.

PRESIDENT GRAYBILL: All right. Mr. Marshall Murray, Chairman of the Rules Committee, the Chair will recognize you to discuss the matter of the Committee on Administration.

DELEGATE MURRAY: Mr. President, are we to discuss the matter of the Executive Director? That's the one I have next on my list.

PRESIDENT GRAYBILL: All right, I beg your pardon. We'll take the Executive Director next.

DELEGATE MURRAY: I move that the Convention adopt the following temporary rule:

There shall be an Executive Director of the Convention who shall be appointed by the President. He shall be primarily responsible for the administration of the Convention under the authority and supervision of the President. He shall be subject to removal by the Convention.

The thinking on this particular matter, was that the Executive Director should be appointed by the President,

since we have rather already created the precedent of having him make the appointments, at least to the committees. We feel, since it would be too great a task to place this responsibility with the Secretary, that he should be a salaried employee and thus we created this separate position, as I previously explained to you.

We feel that the matter of his removal should rest with the Delegates residing on the Floor and, therefore, the last sentence was added to the proposal as I read it.

PRESIDENT GRAYBILL: You have heard the Chairman of the Rules Committee resolve that there shall be an Executive Director of the Convention, who will be appointed by the President. He is subject to the removal of the Convention.

I would like to say, while you debate this, that if the Chair is allowed to appoint this person, he would also ask him to sit with him, but not serve on, the Committee on Administration, so that he would have full information. I would think nobody but the members of the House should serve on, but I think he should sit with and be appraised of what the Committee on Administration does.

Now, with that in mind, is there discussion on the resolution? Mr. Mahoney.

DELEGATE MAHONEY: Mahoney from District 12. Could we have any idea about what's going to be the salary of the

Executive Director? I mean, this is highly irregular under the legislative procedure. You know the Secretary, the Senator, the Sergeant-at-Arms, or the Chief Clerk of the House is going to receive about the same salary as the members. Now, have we got any idea what the cost is on this? Do you have any information on that?

PRESIDENT GRAYBILL: The Chair has no idea. I know of no one else that has any idea.

It's the Chair's opinion that if the next matter that we're going to take up, which is the Committee on Administration, on appointing employees, that it would become the province of the Committee on Administration to recommend a salary to this body.

I think the Committee on Administration, which is going to be asked about next, that it be given power to hire, and that they would probably have that duty, Mr. Mahoney, but I have no idea, and I know of no one else that does.

DELEGATE MAHONEY: Well, all that I'd like to know, is that I'd like to see it submitted back to this Body to at least tell them what is going to be the salary schedule, so that we could vote on it, for all the employees.

PRESIDENT GRAYBILL: I think the minutes could reflect that you would like the Administration Committee, if it does do this, to refer the matter of salaries to this

Body, and I presume that will be done, or at least you'd be notified or given a chance, if it wasn't done.

Now, Mr. Murray did you want to comment on that?

DELEGATE MURRAY: No.

PRESIDENT GRAYBILL: All right. Is there other discussion on this proposal---this resolution? Mrs.---

DELEGATE: Mrs. Payne from District 18. I was just wondering about the advice and consent of the Convention, or whether you want this power alone?

PRESIDENT GRAYBILL: I don't want it alone, particularly. I didn't draw the regulation. Let's see.

It would be perfectly agreeable with me, as we have done in the past, to add that I would nominate rather than that I would appoint. I would like to suggest to the Rules Committee that we make that amendment. Does the Rules Committee object to that? Have you discussed that, Mr. Murray?

DELEGATE MURRAY: We didn't even discuss it. We thought that this matter was probably already settled and that Dale Harris would be so appointed, and that it wouldn't make much difference in that respect; however, if that's the inclination of the President and the members, why, I certainly would be agreeable to that amendment, speaking as the Chairman of the Committee.

PRESIDENT GRAYBILL: Unless there is objection from

other members of the Rules Committee, we will strike the word "appoint" and write in the word "shall be nominated by the President".

I would like to announce for the benefit of the Convention, that as far as I know, no arrangements have yet been made with Mr. Harris or anyone else. If I am allowed to nominate, I will, but I am going to do that, if I'm allowed, after consultation with the Committee on Administration and after I have had their advice, I will be glad to nominate, if I'm allowed to.

So, that's the way it's going to work if this motion passes. If you want to do something else, that's fine. Mr. Davis.

DELEGATE DAVIS: Mr. President, Carl Davis from District 21. I'm not sure I understood that. In reference to Mr. Harris, I wonder if we could have the benefit of your thinking as to whether you are going to continue with the staff, or if you might have something else in mind?

PRESIDENT GRAYBILL: I have not made any decisions. It is my intention to consult with the entire Committee on Administration, which we are prepared to appoint that Committee before we recess today, and before I make any statement about who should be anything, I'm going to consult with them.

Now, if I'm given the nominating power, they might

not all agree, but I might agree with some of them, and I'll be glad to nominate, but I have not decided, and I don't intend to decide until after I've talked with them on this, or any other staff position, and as far as I know, the staff positions---the only thing I have ever said, is that all the staff are going to be considered and some of the staff are going to be used, and whether it's all or not depends on what we want to do.

Mr. Murray.

DELEGATE MURRAY: I'll withdraw my motion and make another motion. I have put some additional language in this now.

There shall be an Executive Director of the Convention who shall be nominated by the President. He shall be primarily responsible for the administration of the Convention under the authority and supervision of the President. His nomination shall be ratified by the Convention and he shall be subject to removal by the Convention.

PRESIDENT GRAYBILL: So we have now added the idea that after the President nominates, it would be ratified by the Convention and it is still subject to the removal by the Convention?

DELEGATE MURRAY: Yes.

PRESIDENT GRAYBILL: Now, that's the amended resolution before the Body. Is there further discussion?

Mr. James.

DELEGATE JAMES: I wish to second Marshall Murray's proposal.

PRESIDENT GRAYBILL: Is there any further discussion of the problem of the proposal, or the resolution, concerning the Executive Director of the Convention?

(No reply.)

The Chair hearing none, the Chair then will prepare the vote and we will open the ballot. There has been a resolution by the Rules Committee that there be an Executive Director of this Convention who will be nominated by the President. He shall be primarily responsible for the administration of the Convention under the authority and supervision of the President. His nomination shall be ratified by the Convention and he shall be subject to removal by the Convention. And the Chair added the suggestion that he would ask---the Chair would ask him to sit with, but not upon, the Administration Committee.

Are you ready for the question?

DELEGATES: Question.

PRESIDENT GRAYBILL: All right, all those in favor vote "Aye", and those opposed vote "Nay".

Have all the Delegates voted? Does any Delegate wish to change his vote? The Chair has now closed the vote. Mr. Clerk will you tally the vote?

SECRETARY MARSHALL: Mr. President, ninety-eight Delegates have voted Aye, none voting No.

PRESIDENT GRAYBILL: By your vote of ninety-eight Ayes and zero No's, we have now disposed of the resolution setting up an Executive Directorship to be nominated by the President and ratified by the Convention, etc.

Now, Mr. Murray, can we consider the matter of what the Committee on Administration might do?

DELEGATE MURRAY: Mr. President, I move the adoption of the following Committee report:

The Committee on Administration, after consultation with the President, shall appoint such employees as may be necessary for the effective operation of the Convention.

And it is our thinking in proposing this, that something should be done on this matter in the interim---before we meet again---and we think that properly that duty rests with the Committee on Administration, after consultation with the President, and we think that the various officers, themselves, or employees which may be chosen, and the names to be given them, should be left to the Committee and to the President.

PRESIDENT GRAYBILL: All right. The Rules Committee has placed before you a resolution that the Committee on Administration---which, as I said, will be appointed this afternoon---after consultation with the

President, shall appoint such employees as may be necessary for the effective operation of the Convention.

Is there any discussion on the motion---or on the resolution? Does everyone understand the resolution?

(No reply.)

All right, if you're ready, then we will vote on the resolution. If you're in favor of the resolution giving the Committee on Administration the power, after consultation with the President, to appoint and employ such persons as are necessary vote "Aye", if you're opposed vote "Nay".

Have all the Delegates voted? Does any Delegate want to change his vote? We'll close the ballot. Mr. Clerk, will you announce the ballot?

SECRETARY MARSHALL: Mr. President, ninety-nine Delegates have voted Aye, none have voted No.

PRESIDENT GRAYBILL: By your vote of ninety-nine Ayes and no Nays, you have approved the Rules Committee proposal that the Committee on Administration have the power to appoint employees, after consultation with the President.

Now, Mr. Murray, does the Rules Committee have a proposal concerning lobbyists?

DELEGATE MURRAY: Lobbyists? Yes, sir.

Mr. President, I move the adoption of the following

proposal:

Section 15 of the Constitutional Convention Enabling Act regulating lobbying during the Constitutional Convention is adopted by this Convention. Lobbying on the Floor and foyer of the Convention Hall is prohibited one-half (½) hour prior to the commencement of the session, during the session and within one-half (½) hour after recess or adjournment.

This matter has been considered by the Committee. It is our opinion that we should speak on the subject, although certainly there isn't any apparent problem existing at this time. Rather, this is an indication to those who are or may be interested in lobbying, that we are concerned that there may be a problem and that we are willing, early, to act upon it.

By the Convention Hall, we mean this room, and when we talk about the foyer, we mean the room immediately to the north of this room, and I might also say that it has been suggested that perhaps we name this room and the foyer as the "Convention Hall" for this purpose, and the Rules Committee, if it's within its province to make that decision, will consider it in the morning.

PRESIDENT GRAYBILL: Before we debate this matter, I would like to ask the Clerk to read Section 15 of the Constitutional Convention Enabling Act. Mr. Clerk.

SECRETARY MARSHALL: Section 15. Licensing of Lobbyists.

"Section 15. (1) Sections 43-801 to 43-808, R.C.M. 1947, providing for the licensing of legislative lobbyists shall apply to lobbying at the Constitutional Convention.

(2) Licensed lobbyists shall file with the Secretary of State a report on February 1, 1972; February 15, 1972; March 1, 1972; March 15, 1972; April 1, 1972; June 15, 1972. The report, under oath, must include all expenditures made by him relative to promoting or opposing constitutional provisions. On the fifth day a report is delinquent, the Secretary of State shall suspend the license of any licensed lobbyist who fails to file a report until such report is filed. The suspension shall be entered on the docket, and the President of the Convention notified.

(3) Reports must be filed even though no expenditures may have been made.

(4) Reports need not include:

(a) reasonable internal expentitures such as office expenses, mailing and routine research, and

(b) reasonable expenditures for his personal food, lodging and travel.

(5) Expenditures of twenty-five dollars ($25) or less may be reported in total amounts rather than in detail.

(6) A lobbyist who terminates his duties shall give the Secretary of State, within thirty (30) days after the date of such termination, written notice and shall include a report of his expenditures covering the period of time since his last report. Such reports shall be final.

(7) The Secretary of State shall provide forms and shall keep such reports on file for three (3) years. All records are to be open to the public.

(8) Failure to file reports or the filing of incomplete information is a violation of section 43-808, R.C.M. 1947.

The enabling act provides for the registration, licensing and report of expenditures of Convention lobbyists. This section provides that the current statutes regulating and licensing legislative lobbyists shall apply to lobbying at the Constitutional Convention. (These statutes are set forth in Appendix I). Current statutes provide regulations for lobbying during legislative sessions by any person, corporation or association; any board, department, commission or agency of the State, and any county or municipal corporation. In addition, this section provides that lobbyists submit semi-monthly financial reports on all expenditures to promote or oppose constitutional provisions. On the fifth day a report is delinquent, the Secretary of State shall suspend the license of the

lobbyist until the report is filed."

PRESIDENT GRAYBILL: Thank you, Mr. Clerk.

The Chair would like to point out that this resolution will accomplish the purpose as adopting as our practice the Enabling Act language, plus it will establish immediate rules concerning the thirty-minute rule. It does not forestall later matters concerning lobbyists in the second session---or the session in January.

Now, with that background, is there discussion on the resolution? Mr. Drum.

DELEGATE DRUM: Dave Drum from District 8. A point of clarification. I believe there is a fee charged, now, for lobbyists during the Legislature. What is that fee, do you know?

SECRETARY MARSHALL: Ten dollars.

DELEGATE DRUM: Ten dollars? Are you sure?

SECRETARY MARSHALL: It depends on what you want.

PRESIDENT GRAYBILL: Ten dollars.

Is there other discussion? Mr. Harlow.

DELEGATE HARLOW: Mr. President, I am in complete accord with this resolution, except the thirty minute period.

Past experience of people working this hall, trying to accomplish things, have proven to them that the thirty minute period is too short. The last Legislature moved

that up to an hour, and I wish to make an amendment to that resolution, merely changing the word "thirty minutes"?---

DELEGATE MURRAY: Half hour.

DELEGATE HARLOW: ---"half hour" to "one hour", both before and after.

I think you will find as time goes along, this is the only place where you can come to work and confer with your fellow delegates, and various things, and a half hour time before you start and a half an hour time afterwards, you will find is much, much too short.

So, I move that we amend the resolution by inserting the word "one hour" in place of the word "half hour".

PRESIDENT GRAYBILL: All right, Mr. Harlow has made an amendment---proposed an amendment that it be one hour instead of a half hour. Mrs. Mansfield.

DELEGATE MANSFIELD: Mr. President, Rachel Mansfield, District 14. I second the motion.

DELEGATE MURRAY: Mr. President.

PRESIDENT GRAYBILL: Mr. Murray.

DELEGATE MURRAY: As I'm sure all of the past Legislators are aware, the language in the proposed rule, as I read it and as you have it before you, is a change from the existing Legislative Rule.

I think that the Committee's opinion was somewhat different in this respect than the opinion of Mr. Harlow,

in that we haven't had the benefit of meeting as a Constitutional Convention recently in Montana. We don't know how much of a problem---or how much time we would be spending on the Floor of this hall in meetings.

We feel that in the early stage---I felt, and I think the others did---in the early stages of the Convention, this is probably an adequate rule, and that much, much of the work will be done in the committees, where you will not have this problem, the committee rooms not being here.

And that if---and we recognize that it may be a problem, but we're not looking for witches or spooks, and we felt, really, in proposing this rule, that the one-half hour time period at the commencement---subject of course to change if it becomes a problem---is an adequate period of time.

We realize, of course, that it is imparative that we go to the people and ask for the adoption of this. Lobbyists take varying forms, and certainly we don't want to be in the position of antagonizing anybody who may be a lobbyist in any form and, therefore, we gave that consideration.

DELEGATE CATE: Mr. President.

PRESIDENT GRAYBILL: Mr. Cate.

DELEGATE CATE: Mr. Murray, would your Committee

consider extending the definition of foyer a little further back past the coffee shop, so if the Delegates want to go out for a cup of coffee, he doesn't have to fight three or four lobbyists on the way?

That wouldn't limit them from using the coffee shop for coffee, or whatever they might need, but it would prohibit them from lobbying in that area and permit the Delegate to go off the Floor and get a cup of coffee or a package of cigarettes, or that type of thing, without being approached by these people. And, as you know, as a former Legislator, that is what happens, and I was wondering if your Committee would consider that? Thank you.

PRESIDENT GRAYBILL: Mr. Murray.

DELEGATE MURRAY: Mr. President, may I speak to that in this fashion?

I can't draw on any personal experience from which to answer that remark. I know not what facilities might be available for lobbyists. It occurred to me, that perhaps the Senate Chamber could be wired for sound, so that they could be seated---they and others---could be seated in that Chamber.

Perhaps if there were another facility for them to obtain---them and others because there will be guests, of course, of ours, who will also be concerned with this---if there were another facility, I think that I would agree that

we should extend it.

At this moment, not knowing what might arise in that respect, and not knowing how available these things will be, I really submit the proposed rule as it is.

PRESIDENT GRAYBILL: Mr. Brazier.

DELEGATE BRAZIER: I offer a second substitute motion with respect to the motion on---

PRESIDENT GRAYBILL: Wait a minute. A substitution of the whole motion, or just the amendment?

DELEGATE BRAZIER: Actually, it's the second sentence of the whole motion. I don't recall exactly what Mr. Harlow's language was.

PRESIDENT GRAYBILL: I think that you're a little premature, but let me hear it, and then we'll decide what we're doing.

DELEGATE BRAZIER: That the second sentence of Mr. Murray's motion would read as follows: "Lobbying on the third floor west of the Convention Hall is prohibited, with the exception that lobbyists may appear at committee meetings and by invitation of Delegates."

PRESIDENT GRAYBILL: Before you debate that, let me ask the Parliamentarian something.

Mr. Brazier, are you amending it with the half hour still left in, or with the hour left in?

DELEGATE BRAZIER: The thrust of my motion, is that

they are excluded---

PRESIDENT GRAYBILL: How long?

DELEGATE BRAZIER: Permanently, unless invited, or when we have a committee meeting on the third floor west.

PRESIDENT GRAYBILL: All right, then, so yours is an amendment to the entire thing and we don't need any time limits, just the third floor west?

DELEGATE BRAZIER: That's right. That's the intention of my motion.

PRESIDENT GRAYBILL: Now, with that understanding--- if I am not right, correct me Parliamentarian---we could then vote on this amendment first and then, if we have to, vote on the other amendment.

Mr. Marshall Murray.

DELEGATE MURRAY: Let me speak to this a minute.

Walter Marshall has just pointed out that we have a concessionaire involved with the selling of the goodies outside that is licensed, and perhaps before this matter is given further consideration as to the restriction of people to that concession stand, we should just take a look at what his license provides, so that we don't create a problem or bring ourselves into some type of litigation.

Also, I might make one other suggestion. I know not how people are commonly going to find their way into

the balcony if they can't come into the west wing of the building on the third floor.

PRESIDENT GRAYBILL: Mrs. Warden.

DELEGATE WARDEN: Margaret Warden, District 8. I would just like to say, are we trying to keep people away from this Convention, or are we trying to get them here to hear what they have to say?

When I think about a lobbyist, I don't think about a dirty word. I think about someone who has something to offer.

We are asking the citizens of Montana to come here to talk to us, to tell us what they would like to see in the constitution. I think they are---should have the right to come in and talk to us. I do think that we need the foyer for a short time after and before the session free of any other people except those that are invited, but I do feel we would be remiss if we said we'll shut these off so we can't have people come to us. We are not in ivory towers.

PRESIDENT GRAYBILL: Mr. Loendorf.

DELEGATE LOENDORF: Jerry Loendorf, District 12. I agree with Mrs. Warden. I think to eliminate the entire west wing here of the third floor from lobbyists, is an unreasonable restriction. It's almost a restriction of the freedom of speech and expression.

These people are Montanans, and also they're here to express the views of Montanans, and I think we ought to hear them. After all, they are going to vote on what we do.

PRESIDENT GRAYBILL: Mr. Mahoney.

DELEGATE MAHONEY: Mr. President, I think that in regard to the hour and the half hour---that is, as I understand it, what we're talking about? Isn't that the amendment they're discussing?

PRESIDENT GRAYBILL: No, we are not. We are discussing the amendment to limit lobbyists from the west wing. No time involved.

Mr. Champoux---excuse me, I didn't mean to go away from you, but if you don't want to discuss that, I'll come back to you.

DELEGATE MAHONEY: While we are on this point, I would have to oppose that, very much. I agree with Mrs. Warden, that we're wanting people to come up here and see what is going on.

Secondly, I would hope that we will make everything available to them in a courteous manner. Now, I always have an awful time trying to define a lobbyist. The law is very vague. When does a person become a lobbyist, and when isn't he a lobbyist?

I think these are discussions that we have to take

up in this thing. It's a very important question to decide at this particular time. If we only have registered lobbyists, when does he have to register? What---can he handle two things or three things or four things of the Constitution, which is different than the law has been?

Are we going to come out and say you can only register---if you take the law and interpret it now, you'd be limited, I think, to two sections. This I would hesitate---maybe they might be in all sections, and then if the person gets above that, he's a lobbyist.

Now, these are the things---this is a very different legislative session. I think we must realize this. I can't see all the bug-a-boo of lobbyists. I agree with Mrs. Warden.

PRESIDENT GRAYBILL: Mr. Champoux.

DELEGATE CHAMPOUX: The thing I would like to speak to is similar to Mr. Mahoney, this business of identification.

For instance, if one of my fellow Montanans---I was going to say constituents---came to me and wanted to ask me certain things, or subject me to some information in the lobbying sense, am I to turn it off?

Also, how are we going to identify these lobbyists? Do we have plans to have some kind of badges, and so forth? The official ones, are they going to have badges?

PRESIDENT GRAYBILL: Mr. Murray.

DELEGATE MURRAY: Mr. President, maybe we were a little ahead of ourselves here, but I don't think so.

The intent of the Committee, was to speak to the subject to let the people know that intend to be lobbyists, to let those people who will be hired to come over here with or without fees to present their views to this Convention, to let them know that we're concerned about the problem, but at the same time to let them know that we're not as concerned as the Legislative session might be about the problem because we have reduced the period of time when we suggest they should be prohibited from the hall itself, and the permanent Rules Committee, I'm advised, will consider this matter at length.

There are other matters which must go into the permanent rules because they have been specifically written into the Enabling Act and I suggest, if I might, that we adopt this rule as it is---as it's proposed and as it is---and rest with that, and if we do have problems when we have a meeting of the permanent Rules Committee, we can call for a public hearing, and people, lobbyists and others can appear and express their opinion to the permanent Rules Committee at that time.

PRESIDENT GRAYBILL: Other discussion? I'll get to you, Mr. Brazier.

Mr. Aasheim.

DELEGATE AASHEIM: From District 4. I concur with Mr. Murray. I think we are unduly alarmed about this matter of lobbyists, and if we find that they are causing a disruption here, we can always change our rules, if the occasion arises, so I would recommend that we go along with the recommendations of the Committee.

PRESIDENT GRAYBILL: Any other discussion before I let Mr. Brazier close on his motion? Mr. Felt.

DELEGATE FELT: I rise with somewhat mixed emotions, in the hope that it might be something for the Delegates to consider. I'm going to, when I'm finished speaking here, make a motion that the question of this resolution---or Committee report---be referred back to the Temporary Rules Committee, and ask them to bring out a report at the first opportunity tomorrow.

I want to point out that---and it may clarify some of these questions that have been raised---first of all, lobbying has been defined, and so has the term lobbyist; and it means that the lobbyist is a person who has been hired to influence the decision of members of this deliberative body, and lobbying is the act of doing that.

By their registration, these people declare themselves to be lobbyists. Those who have not registered are, in effect, not lobbyists, in the sense that they are

here without being paid, or else they're simply not familiar with the law---and this occasionally happens in good faith.

One reason that I know something about this question, is that I did participate, in the early efforts, to make the statute regulating lobbyists---and we have always regulated them by rules---and I did draft the bill which Senator Kraft later introduced, and it became the first statute to regulate lobbyists. I'm also familiar with it because, rather unexpectedly, I became a lobbyist on the very touchy subject of trading stamps, so I have been on both sides.

The only thing that lobbyists really care about, is that there be some definite rules, so that those who are being put in this position know what the rules are, and also that these rules be enforced, so that those who comply, are not placing themselves at a disadvantage, as compared to those who do not comply.

The area question is one in which we all have an interest, and until we have lived with it, we may not be able to make our final decision. This seems to be known and recognized by all of us, and it's been pointed out, that our decisions now do not have to be final.

Personally, I know that I would not like this third floor west---it leaves me a little chilly because I

don't know exactly where that plan is drawing, and the matters of access to the galley.

I feel sure that it's proper for us to discuss this subject now, to let it be known here that we're interested in it, but as to whether or not it's time to make the decision, I'm not so sure.

I would hope and suggest that the Committee consider defining this little area south of the Senate Chamber as an area where access is limited to Delegates of the Convention and, if they found it was possible, to provide coffee service in that area, and if there is access to it by women Delegates---I know how the men can get there---then it might serve as rather an escape hatch for all of us, and we could get coffee without being crowded.

And, I assure you, that the crowded condition does not occur by reason of those lobbyists who are hired. There aren't that many of them, and they're not going to block your access. They are interested people, and they should receive their coffee, and they shouldn't have to show a badge in order to get in and get a cup of coffee.

We really don't know the essence of any of this, and it may be appropriate to make something, but if we do, I would certainly support the Delegate who moved to first amend the motion to enlarge the time period to one hour

before and one hour after.

I think that our decision on this matter could be affected by whether or not we have office space available to each of us. If we do have that, I can assure you, that any good lobbyist would much prefer to meet you in some place like that, rather than on the Floor or at the coffee bar where you're going to be jostled and have many interruptions. He would much prefer to go someplace where it's quiet.

I would hope that somehow we could express the fact that we appreciate the importance and value of the third house, and that we are not trying to regulate them out of business, but only to make sure that we decide rather than they decide, what activities might interfere with us in carrying out our own work.

And also, to express, that it is not meant that lobbyist is a dirty word or that lobbying is bad, or in any way affecting people in general when we talk about lobbying, but if we keep the word lobbying from being further abused---and we should make it clear about that, and I'm sure that the press is perfectly capable of handling it properly---but not only that, we, ourselves, when we are speaking about this subject, should make it clear we are not in any way trying to prevent people from coming here to express their opinions, whether it's before

a committee, or before all of us, or any place.

So, with those comments, and partly in view of the interest that's been shown in it, and the time of day, I now move as a substitute for all motions pending, that the question of the adoption of this resolution---or motion, or report, or whatever it is designated---be referred back to our Temporary Rules Committee on Organization.

PRESIDENT GRAYBILL: All right. Mr. Felt has moved that we refer it back to the Temporary Committee. I'd like to hear from---just a moment, is that debatable?

All right. I guess the Committee should be allowed a chance to answer on that matter, and then we'll vote on that issue.

This motion takes precedence over yours, unless it fails, but the Committee gets a chance to explain its position, and then we'll vote on Mr. Felt's motion, and then if there's anything left of yours, we'll come back to you, Jeff.

DELEGATE MURRAY: Mr. President, I'd like to know if there's anybody that has an opinion that has not had an opportunity to express it today on this subject.

DELEGATE BRAZIER: I didn't.

DELEGATE MURRAY: You must have. You made a motion, didn't you?

DELEGATE BRAZIER: I didn't get to argue it.

DELEGATE MURRAY: Well, I submit that this is a fair proposal, and the Committee thought so, and I submit that rather than take it back, that we should settle it today on the Floor, and I also submit and suggest that if there's somebody that hasn't said something, let's hear it now, rather than hear it again in Committee and back again on the Floor.

PRESIDENT GRAYBILL: All right, but we can't hear it until we've voted on the motion.

All right. Now, the Chair---the motion is non-debatable, except for response by the Committee, so the Chair is now going to put Mr. Felt's motion to you.

His motion, is to resubmit the lobbying resolution to the Rules Committee. We're going to vote by "Ayes" and "Nays". We'll vote on the board, I guess.

All right. I'll open the ballot, then, and all those in favor of recommitting the resolution to the Rules Committee vote "Aye", and all those opposed to recommitting it vote "No".

Has everyone voted? Do any Delegates wish to change their votes? The Chair has now closed the vote. Would you please tally the vote?

SECRETARY MARSHALL: Mr. President, four Delegates have voted Aye, ninety-three Delegates have voted No.

PRESIDENT GRAYBILL: By your vote of ninety-three---

SECRETARY MARSHALL: Four Delegates have voted Aye, and ninety-three Delegates have voted No.

PRESIDENT GRAYBILL: ---ninety-three votes against resubmitting and four votes in favor of resubmitting, the motion failed.

Now, Mr. Brazier, I'm going to let you close on your motion, but I'm not sure that Mr. James doesn't want to debate it. He was up.

DELEGATE JAMES: Mr. Graybill, I just wanted to speak in support of Mr. Murray's motion. I feel that we have spent enough time on this. It's well thought out. We don't want to violate---the Constitutional Convention doesn't want to violate anyone's constitutional rights, so I think this is a pretty good motion.

PRESIDENT GRAYBILL: All right. Now, Mrs. Pemberton, you were up. Do you have anything to say?

DELEGATE PEMBERTON: Mr. President, is there a motion in order, or is it off the Floor, or what?

PRESIDENT GRAYBILL: What we're doing, is we defeated Mr. Felt's motion to resubmit it, so the whole proposition is still on the Floor, and it's subject to Mr. Brazier's amendment that the whole third floor west be off limits to lobbying.

DELEGATE PEMBERTON: Thank you. That isn't what I

had in mind.

PRESIDENT GRAYBILL: All right, is there any discussion on Mr. Brazier's amendment that we limit lobbying in the third floor west, and otherwise, it's much as stated by the Rules Committee. Mr. Brazier.

DELEGATE BRAZIER: Thank you, Mr. President.

My respects to Mr. Felt for stating the essence of my motion. Like some of my other motions, there's no particular magic in any particular geographic area, but I wanted to set aside a large enough area where we would be free to meet in small groups, from time to time, to exchange thoughts before making a decision.

Now, one of the reasons I raise this point at this point in time, is we're not clear what "temporary" means in this case, and I wanted to get it to your attention before it's too late.

Point number two I want to make, is what a lobbyist is. Mr. Felt pointed out that a lobbyist is that person who is defined as a lobbyist in the Act. Now, I don't agree with those who claim we are depriving anybody of the freedom of speech. The rest of my motion expressly recognizes that lobbyists have an opportunity to communicate with us. It does not restrict them from being anyplace that anybody else in the State of Montana can be. It expressly provides for them to come and talk to us at

our convenience, where we will not be distracted, and where they can make their points without interference.

Another point I want to make, is it seems to me not to be a compelling argument to be worried about the location of a concession stand. Certainly, if there's a problem with respect to concessions, that the concession stand can be moved. We aren't here to keep anybody in business.

You might be advised, that I bounced this idea off of a good number of lobbyists in and around Helena, and there wasn't a one of them who disapproved of it.

Another point I want to make, is I'm slowly getting my campaign promises made, and finally, I want to thank you. I was getting worried. I haven't voted wrong all day, and it's against my nature to be so agreeable.

PRESIDENT GRAYBILL: All right, we're ready to vote.

Just a minute. Mr. Wilson, I was going to let him close, but if you want to debate it, we certainly don't want you cut off, if you want to say something. Go ahead.

DELEGATE WILSON: Mr. Chairman, Wilson from District 6. I rise in support of the Chairman on Temporary Rules. I think that his proposal is reasonable. I think that if we get too restrictive with the people in the lunch counter area, that it is an alienation of people's rights,

and I think we are a little bit too restrictive when we block off such a large area.

PRESIDENT GRAYBILL: Thank you.

Mr. Brazier, is there anything you want to respond to that?

(Delegate Brazier indicated in the negative.)

All right, then we're ready to vote on the motion to amend the Rules Committee's resolution. The amendment, in substance, is that we do adopt the Enabling Act lobbying things, but then we limit on lobbying on the third floor west. We eliminate lobbying from the third floor west, in this part of the building.

All those in favor of the amendment to eliminate lobbying on this third floor west vote "Aye", all those opposed to that---well, now wait a minute. Hold up. Mr. Brazier is on his feet.

Yes, sir. Have I stated it right?

DELEGATE BRAZIER: Mr. President, you left out a part. With the exception that lobbyists may appear at any committee hearings on the third floor west, or by invitation of a Delegate.

PRESIDENT GRAYBILL: All right. Now, we've heard the other amendment. They can certainly appear at committee hearings here, and they can appear upon invitation---and I expect you mean the immediate invitation, and not a general

invitation from one of us to the world.

All right. Now, with that understanding, those in favor of the amendment which limits lobbying in this area vote "Aye", and those opposing it vote "No".

Have all the Delegates voted? Does any Delegate wish to change his vote? The Chair will close the ballot. Please tally the ballot.

SECRETARY MARSHALL: Mr. President, eleven Delegates have voted Aye, eighty-seven have voted No.

PRESIDENT GRAYBILL: By your vote of eighty-seven No's and eleven Ayes, the motion has failed.

We are now back on the amendment to the original motion, which is Mr. Harlow's amendment that we change it from thirty minutes to one hour. Is there any further discussion?

(No reply.)

Are you ready for the question?

DELEGATES: Question.

PRESIDENT GRAYBILL: All right, on this motion, then, we're voting for changing the Rules Committee proposal to an hour.

The ballot is open. Those in favor of changing it to one hour vote "Aye", those opposing it---in other words, voting for thirty minutes---vote "Nay".

Have all the Delegates voted? Does any Delegate

wish to change his vote? I now close the ballot. Will you tally the vote?

SECRETARY MARSHALL: Mr. President, thirty Delegates have voted Aye, sixty-nine Delegates have voted No.

PRESIDENT GRAYBILL: By your action of sixty-nine voting No, and thirty voting Aye, you have defeated the amendment by Mr. Harlow, and the thirty minute rule is now back in the basic resolution, and the one hour has been defeated.

Now, we are ready to vote, or at least to further discuss, the Rules Committee's rule. Mr. Drum.

DELEGATE DRUM: Dave Drum, District 8. I move that Mr. Murray's motion be amended to include the lobby area south of the Senate Chambers, so it would read this area, the foyer, and the lobby area south of the Senate Chambers.

PRESIDENT GRAYBILL: Mr. Murray, do you understand that? I think he means the lobby area north---

DELEGATE DRUM: No, south of the Senate Chambers.

PRESIDENT GRAYBILL: I'm not sure of your direction. Do you mean to the west---you mean west of the Senate Chambers, don't you, Mr. Drum? This side of the Senate Chambers? South?

DELEGATE DRUM: The Senate Chambers is west. South of the Senate Chambers is a little room that is known as

the lobby to the Senate Chambers, and that's the area I would like to see included with the foyer here.

PRESIDENT GRAYBILL: That's the area that the Senate has reserved to itself, and to which no lobbyist is ever admitted?

DELEGATE DRUM: True. The other side of the Senate foyer room.

PRESIDENT GRAYBILL: Right. What's that called? It's the fire exit to the Senate, and it is not the north lobby, it's the south lobby. Now we're all together.

Mr. Murray.

DELEGATE MURRAY: I concur in that, and I'll go for that amendment.

PRESIDENT GRAYBILL: All right, the Chairman of the Committee has exceeded to Mr. Drum's amendment, unless somebody else wants to now amend the resolution, which now says lobbying is prevented on the Floor and the foyer of the Convention during a one half-an-hour period, and that includes the little foyer south---not north---south of the Senate. That's an area closed off, and that's always been off limits to lobbyists.

Now, is there discussion on this matter, or is there further discussion on the Rules Committee's resolution?

(No reply.)

Hearing none, the Chair will put the matter to a

vote. The ballot is now open. Those in favor of the Committee's resolution concerning lobbying, as amended, vote "Aye", those opposed to the Committee's resolution vote "Nay".

Have all the Delegates voted? Does any Delegate want to change his vote? The ballot is now closed. Please tally the vote, Clerk.

SECRETARY MARSHALL: Mr. President, ninety-nine Delegates have voted Aye, one Delegate has voted No.

PRESIDENT GRAYBILL: By your action of ninety-nine of you voting Aye to the resolution of the Rules Committee, it is adopted, as amended, and it is now taken care of.

Now, the Chair will recognize Mr. Murray again, this time to discuss the resolution---the proposed resolution which you've been handed about the appointment of committee chairmen and vice-chairmen.

Mr. Murray.

DELEGATE MURRAY: Mr. President, for the purpose of the journal, I am assuming that Mr. Drum's motion was made in the form of a substitute motion, so that we don't have any problem with amendments. Is that true?

SECRETARY MARSHALL: We never make a mistake in this rostrum, sir.

PRESIDENT GRAYBILL: We never make a mistake in

the journal, you mean.

DELEGATE MURRAY: Mr. President, I move the adoption of the following proposed temporary rule:

The President, after consultation with the Vice-Presidents, shall designate the Chairman and Vice-Chairman of every committee and his designees shall be subject to approval by a majority of the members of the Convention. In the case of a vacancy or the prolonged absence of the Chairman or Vice-Chairman, the President of the Convention shall appoint a Chairman to act until the Chairman or Vice-Chairman shall return.

Now, may I speak to the motion?

PRESIDENT GRAYBILL: Yes, sir.

DELEGATE MURRAY: This is the second half of the Illinois rule having to do with the appointment of the members of the committees proposition.

Yesterday, because of the time limit, we did not get into the matter of the designation of the Chairman and Vice-Chairman, and today we had the opportunity to do so.

I believe, that for all intents and purposes, the matter that we handled yesterday, with respect to the appointment of the members of the committees by the President, is Rule 16 of the Illinois Convention and this, with respect to one or two word changes, is Rule 18.

PRESIDENT GRAYBILL: All right. Mr. Vermillion,

just a moment.

A proposed substitute motion has been given me, and I understand that you may be one of the authors, and maybe Mr. Cate. I don't see Mr. Cate here.

Are you an author of this, or a sponsor, Mr. Vermillion?

DELEGATE VERMILLION: Yes.

PRESIDENT GRAYBILL: All right, then I want to give you the Floor.

DELEGATE VERMILLION: I would like to have the Delegates consider this substitute motion:

I move that all committee Chairmen be selected by the members of that committee on a merit basis.

And my thinking on this, is this: That we can get more of the appearance of a bipartisanry, or a nonpartisan effort on this.

I am convinced that the Chairman that would be selected under the Rules Committee's proposal would be on a fair basis, and that there is one objection to my proposal that has come up, and that is there is a possibility, in fact, that we could get a very unbalanced appearance. We could conceivably get ten committees, eight chaired by one party and only two by the other, and there was some concern that this would give an unbalanced look to the Convention.

I would like to think that we can get away, now, from some of these party matters, and that on a strictly nonpartisan basis, if each committee would select that, it might be that one party or another might get more of the chairmanships, but I don't think that would be all that important.

I'm convinced that each committee would have an opportunity to hear from any of its members who would like to try for the chairmanship of that committee. We would be able to hear his views, hear his ideas and hear his background and select a capable chairman in that respect.

And I would assume, actually, too, that these committees would look to the Presidency and other officers for some advice on the selection of their committee chairman. I would ask the Convention to consider that proposal---that motion.

PRESIDENT GRAYBILL: All right. At this point, so that everybody is with us, we have the resolution of the Rules Committee that the Chair designate, subject to the approval of the majority. We now have a substitute motion that the committee Chairmen be selected by the members of the committees on a merit basis.

DELEGATE: Mr. President.

PRESIDENT GRAYBILL: Wait a minute. Hold it. I

want to recognize, because we have more here, Delegate Campbell.

DELEGATE CAMPBELL: I'm Bob Campbell from District 18. At this time, I would like to enter a substitute motion for all motions pending, and with your permission, have it distributed by the Pages for consideration.

PRESIDENT GRAYBILL: Well, go ahead.

DELEGATE CAMPBELL: Okay. If you would hand them out to the Delegates, please.

I move that the President, with the consent of the Vice-Presidents, shall appoint the temporary Chairman of each committee, who will preside at the first committee meeting before the adjournment of this organizational session. At such meeting, the temporary Chairman shall call for the election of the permanent committee Chairman and Vice-Chairman.

I feel that there are four distinct advantages of this substitute motion. First of all, the committee members will be appointed by the President and the Vice-President, and the temporary Chairman will, of course, be appointed by the same, based on the information in the questionnaires and the background information that the officers already have.

Second of all, this substitute motion would insure that there would be a first meeting of all committees

before this organizational meeting ends.

Third, if anyone at this committee meeting feels that they would like their qualifications for committee Chairman considered by the committee, they could present this to the committee for their determination and decision at that time. If he or she wanted to be considered for a Chairman or a Vice-Chairman, that decision could be made then.

Fourthly, before returning home to our home districts, we would all know what committee we would be on, we would all know who the permanent Chair and the Vice-Chairman is.

I feel this is a fair substitute motion, and would present it for consideration.

PRESIDENT GRAYBILL: Thank you.

Now, so that we all understand, we have the Committee's motion, we have this one substitute motion, a second substitute motion, no other substitute motions are in order.

We're going to debate these in that order. We're going to debate this last one first, the one about letting the President appoint a temporary Chairman, and I'm going to recognize Mr. Roeder.

DELEGATE ROEDER: Mr. President, would I be out of order if I were to debate the whole package?

PRESIDENT GRAYBILL: I beg your pardon?

Yes, the Parliamentarian points out to me that, in effect, the whole package is open for discussion because they all really amend each other, but after we debate, we've got to vote on the last one first.

DELEGATE ROEDER: Okay. Well, I'd like to speak in opposition to both substitute motions, and in support of Mr. Murray's motion.

In the first place, both substitute motions fly in the face of the practice of the other conventions and of the experience in other states. I'm referring to page fifty of the Constitutional Convention Manual.

Also, I cursorily examined the rules that have been sent out by the Constitutional Convention Commission, and overwhelmingly, the practice is to allow what has been suggested by the Rules Committee. I think it's the essence of conservatism to rely on experience of other people, that has proved to be profitable, rather than flying in the face of it.

Also, I can't agree with the implied suspicion of the Chair. I think this isn't necessary. We have no evidence to distrust.

Thank you.

PRESIDENT GRAYBILL: Mr. Toole.

DELEGATE TOOLE: I rise in support of the Rules

Committee's proposal. I think that it's absolutely essential that you, Mr. President, consult with the Vice-Presidents, as the motion calls for, at every step of the way and I trust you to do that, and I think you will do it, and I think all parties or factions of this Convention will be represented if you do that.

And, on that basis, I think the proposal of the Rules Committee should be supported.

PRESIDENT GRAYBILL: Mr. Aronow.

DELEGATE ARONOW: Mr. President, I rise, also, in support of the motion of the Rules Committee.

I would like to point out to the Delegates, that the Rules Committee proposal has the following language after "the President": "With consultation with the Vice-Presidents, designates the Chairman and Vice-Chairman of every committee, and that his designees shall be subject to the approval by a majority of the members of the Convention."

Neither one of the two substitute motions contains any provision for approval of the designation of the committee Chairman and Vice-Chairman of the committees by the whole Convention, and I think the provision for approval by the whole Convention is a terrific safeguard to all of us, and it requires the President and the Vice-Presidents to be absolutely fair, absolutely impartial, and requires

them to make those appointments on ability and merit, and we certainly have the power in this Convention, if the President does not make such appointments in such a manner, to overthrow his recommendations, and I rise in support of the Rules Committee.

PRESIDENT GRAYBILL: Mrs. Robinson.

DELEGATE ROBINSON: I rise to speak to the second substitute motion offered by Mr. Campbell of Missoula. This motion, in no way, reflects any distrust or suspicion of the President or the Vice-Presidents of this Convention.

I would also like to say, that the impetus has been given that since other constitutional conventions have relied on the method of appointing by the President, that Montana should automatically do so. I believe that consistency is sometimes a hobgobblin of little minds. I think that now is the time for us to maybe do something a little bit innovative, and to make these committees real committees.

I believe that the Chairmen of these committees are going to be the spokesmen of these committees and, as so, they should reflect the makeup of that committee, and should be the choice of that committee. This motion gives the President the opportunity to appoint a temporary Chairman, and the temporary Chairman may be the permanent

Chairman, but I at least think that we are not above trying something a little bit different in Montana.

PRESIDENT GRAYBILL: Mrs. Bowman.

DELEGATE BOWMAN: Mr. President, I'm Jean Bowman, District 8. I would like to rise in support of the two substitute motions.

First, I feel that now that the Convention has begun, that we should make every effort to work harmoniously, so that this effort will be evident to the people of the State, and I do feel that the people on a committee should have the right to select the Chairman of the committee on which they will be expected to work for the next two to three months.

PRESIDENT GRAYBILL: Mr. Foster.

DELEGATE FOSTER: Mr. President, Don Foster, Delegate from District 10. I rise in support of the substitute motion of Mr. Campbell.

I feel that we have established excellent precedent. Yesterday, we received the report of the Temporary Rules Committee by a Chairman who was selected by that Committee, which was selected and appointed by our President. I fully endorse the Chairman of the Temporary Rules Committee. I think we have all seen the excellent judgment that this group showed.

Secondly, the advantage of the President being able

to make the initial appointment, is that he can express his preference, and I submit that this will be the permanent Chairman in most, if not all, of the cases, but I also submit that any question of suspicion, any question of the fact that the committee Chairman is, in fact, the concensus spokesman of that group, should be dispelled, and I submit that the substitute motion of Mr. Campbell will accomplish that fact.

And, finally, I submit that ratification---ratification by the entire Body of all the Chairmen of the committees, at best, would be cumbersome, and at worst, could be devisive, and I support the substitute motion of Mr. Campbell.

PRESIDENT GRAYBILL: Mr. Harbaugh. Mr. Harbaugh, were you on your feet last time?

DELEGATE HARBAUGH: No.

PRESIDENT GRAYBILL: All right, Mr. Skari.

DELEGATE SKARI: Carman Skari, District 14. I rise to concur with Mr. Foster in support of the substitute motion by Mr. Campbell.

I also want to state, there's no implied suspicion of the Chair here, at all. I think it's merely a procedural matter, and I think it's an attempt to make this, perhaps, a bit more democratic, in the sense that we were also elected.

This Convention elected its President in this manner, and we would simply apply the same rules to committee structure. The members of each committee would simply choose their leadership from among their own members, and people that they would want to lead them.

I feel the balance of leadership between party, and according to geography, and according to sex---there are many different ways at the officer level---I think that at the committee level, we should be able to dispense with any further artificial attempts to perfectly balance all segments of this Convention.

I think that the time has now come to move from a bipartisan Convention to a nonpartisan Convention, and that we simply select people strictly from merit within the committees.

PRESIDENT GRAYBILL: Mr. Dahood.

DELEGATE DAHOOD: I rise in opposition to the substitute motions, and I speak first as a Montanan, and second as a Republican. I think the President, in accordance with the motion that has been presented, should be given the opportunity to make the appointments. I think the Vice-Presidents that have been carefully selected, who will confer with the President, are going to give us the type of appointments that are going to mean progress for the Convention.

Insofar as my colleagues who have taken the microphone to support the substitute motions, I think they indicate to us nothing more than ten campaigns being waged outside of these chambers for chairmanship of the ten committees. I think this is divisive, and I think it's going to cause problems that can best be solved by reposing our faith and trust in the four officers who we have elected who, to me, represent all of the factions and all of the interests that are represented by the one hundred Delegates.

Consequently, I think, to move this along so that we can get down to the real business of this Convention, for which we were elected by the citizens of Montana, we should stop playing around. We should let the President and Vice Presidents appoint the committees and their Chairmen, and get down to the real work of this Convention, and I support the original motion.

PRESIDENT GRAYBILL: Mr. Scanlin.

DELEGATE SCANLIN: Mr. President, Don Scanlin from District 8. I would like to address my question to my distinguished colleague.

I don't want to take the time on the Floor to discuss it, but I'd like to make an appointment, in private, to discuss it. Shall we listen to and heed the voice of past experience, or rather choose a dangerous detour of experimentation?

Thank you.

PRESIDENT GRAYBILL: Mr. Schiltz.

DELEGATE SCHILTZ: Mr. President, I'm struck by the fact that all proponents of the substitute motion are very young. At the ripe age of fifty-two, I shall never have another and a better chance to join them, and I support their motion as a progressive idea that needs to be heard, and needs to have attention paid to it.

Thank you.

PRESIDENT GRAYBILL: Mr. Studer.

DELEGATE STUDER: I'd like to rise in opposition to the substitute motion. I would like to rise in support of the Rules Committee report, and in order to make my talk brief, I would like to say that Mr. Aronow expressed my thoughts in full.

PRESIDENT GRAYBILL: I'm going to let you have a chance, but I want the rest of them to, first, Mr. Murray.

Mr. Brazier.

DELEGATE BRAZIER: Mr. President, I take issue with those who suggest ulterior motive on behalf of anybody who has offered a substitute amendment, or those who suggest that anybody in this Chamber does not have balanced and intelligent judgment. This is supposed to be a people's constitution, and I think it should continue to appear to be one throughout these proceedings.

Further, as a matter of procedure, I think it's a hollow safeguard to say that somebody can challenge the appointment made because we all know that everybody here is meritorious and nobody's got enough stomach, or inclination to stand up and look him in the eye and say, "I challenge you". There simply is not going to be a challenge. And for those reasons and for the reasons that I fancy myself as a younger person, I support the substitute motions.

PRESIDENT BURKHARDT: Bill Burkhardt from District 12. It seems the quick way to say you're not yet over the hill, is to be for these substitute motions, and I am rising to speak on behalf of this substitute motion.

The reason being, I think there's an issue of trust that is now a two-edged possibility. I have found a growing trust for our President as I've watched him function, and he has a sense of humor that I appreciate. He has a fairness in all things and, for my part, I would be willing to look at the option of the Vice-Presidents concurring with him in his appointments.

I also know, that people have responsibilities that come from the past to each other, and I'm terribly concerned, as we look at the future, we do not have too much obligation to those things which have gone before. I think they need a solid awareness of our heritage, but we've got

to have a sense of the next century, too.

So, these young people are not simply making a play for power, they are saying that when you get ready to value things in this society, look at the new as well as the old, and I would like to say that the possibility of following up on the proposal of either of these substitute motions is attractive to me, not because it takes responsibility from the President, I think he could work well with any person in this body who was so elected, and I think we're all committed to work together for that purpose; however, there is the chance that old debts might have to be paid, and I think we'd just like to be ready to feel that, if it were true.

Thank you.

PRESIDENT GRAYBILL: Well, let's see. That's Mr. Harrington.

DELEGATE HARRINGTON: Dan Harrington, District 20. I would like to rise in opposition to the substitute motions. I feel this is not a young issue or an old issue. I feel we have to show our support to the Rules Committee on this, and follow them. We've come a long way in the last two days, and I feel we should continue to do so.

Thank you.

PRESIDENT GRAYBILL: All right, Mr. Gysler.

DELEGATE GYSLER: Erv Gysler, District 14. I rise

to pretty much second what Mr. Dahood has said before me. I think, in the interest of good organization and harmonious working throughout the Convention, that we do not support the substitute motions. I think we will all get along a lot better as our Convention goes on, and I would like to commend the Chair and the Rules Committee for what I think, so far, has been a very excellent job, and I trust it will continue so.

PRESIDENT GRAYBILL: Mr. Simon.

DELEGATE: Siderius.

PRESIDENT GRAYBILL: Oh. Pardon me. Mr. Siderius.

DELEGATE SIDERIUS: I feel we can work very well with the substitute motion, and I'm in favor of it.

PRESIDENT GRAYBILL: Mr. Harper.

DELEGATE HARPER: George Harper, District 12. It's been implied that we don't trust the leadership who appoints the committees, possibly, and that is the substitute motion that I support. I would just like to suggest that maybe we take a look at the other angle, we don't want to imply that we don't trust the committees, either.

All of us were elected, equally, to come and be a part of this. The ten people that sit down in a room together, having agreed that they want to work on that particular subject, have a chance to talk over with each other to find out if so and so wants to run for this, what

are his qualifications, why does he want to be Chairman, how would he handle it, and so forth.

And as they discuss the philosophy of working together, maybe after an hour or so, they would arrive, possibly---and as someone suggested, probably---the temporary Chairman, in some cases, will be accepted as the Chairman of that committee, but otherwise, the committee then goes along with the idea of working two, or three, or however many months we have together with the Chairman, and with the procedure that the committee itself selects.

PRESIDENT GRAYBILL: Mr. Eskildsen.

DELEGATE ESKILDSEN: Mr. President and Delegates to this Convention. I would just like to point out one thing, not because of our own problems, so much, but because of the voters, we did end up with fifty-eight on one side and thirty-six on the other and six Independents. I point this out, that the committee makeup, no matter how hard the leadership tries, it will still be in that proportion, and I want you to all think about the position you put the leadership in of the various committees. The makeup will be more democrats on, I would say, all the committees, probably, or maybe there would be one that would be different, but in that light, I'd like you to think what could happen.

A committee sits down to vote. The Chairman might

have been appointed, and could have been of the opposite party, and he is voted out. The repercussions from this can be quite serious. It could work the other way, and seriousness would develop.

I feel that we're placing more---we're talking about being nonpartisan and bipartisan and all that. I think we're getting in a position where we'll be partisan on this thing. It could be partisan very easily, or the outcome could look like it was. I think this way, where we would have a real diversified President and Vice-Presidents, I would vote on their judgments.

PRESIDENT GRAYBILL: Mr. Heliker.

DELEGATE HELIKER: Mr. President, George Heliker, District 18. I rise in support of the substitute motion.

When I first read it, my reaction was negative because I thought that we might wind up with an elected Chairman without sufficient consideration. I'm persuaded by the argument here today, that that is very unlikely, and that most of the Chairmen appointed by the President, with the consent of the Vice-Presidents, would indeed be the permanent Chairmen.

Responding to Mr. Eskildsen's comment, I think we have demonstrated here this afternoon, that from here on out, this Convention is to be a nonpartisan Convention.

PRESIDENT GRAYBILL: Mr. Monroe.

DELEGATE MONROE: I just stand in favor of the substitute motion by Bob Campbell.

PRESIDENT GRAYBILL: Mr. Furlong.

DELEGATE FURLONG: Furlong, District 6. I would like to address a question to the Chair, if I might.

PRESIDENT GRAYBILL: Very well. Go ahead.

DELEGATE FURLONG: In the substitute motion number two, it suggests that the committee assignments will be known before the adjournment of this organizational session.

Is it the intent of the Chair, with the Vice-Presidents, to make the appointments known by tomorrow, or before adjournment, under the Temporary Rules proposal?

PRESIDENT GRAYBILL: If you'll promise to vote on this before you go out in the hall, you'll find that all the procedural committees are posted in the hall, or the procedural committee nominations or designations---let's explain this to everyone.

The motion yesterday said that on the committees, the Chairman could nominate, or could appoint the committees and you people then have until the 19th, I think it is, of January to change or ask for changes of this Body. So, the procedural committees are already posted out there. This doesn't make---now I don't want you to look at them and then come back, Jerry. At least, I'd

rather you didn't. Now, you can do as you please, but I posted them so that they could be there when we go out. I don't want that to enter the discussion here.

So they are posted, the procedural ones. Whether I can get the other ones done by tomorrow night, or any time, I do not know, but the procedural ones are out there.

Now, as to---what was the second part of your question?

DELEGATE FURLONG: That was it, thank you.

PRESIDENT GRAYBILL: The procedural ones are out there, and we are working on the other ones, as far as the committees. Now, the things on the board out there have nothing to do with Chairman and Vice-Chairman. I haven't designated any of them because I haven't any power to.

All right. Mrs. Bates.

DELEGATE BATES: Grace Bates from District 11. I rise in support of the original motion, for the reason that I feel we have elected a Chairman---a President of this Body who is responsible to all of us, and I'm certain he will appoint, with our consent, the Chairmen he feels that he can be responsible for, and that will be responsible to him, and for the best organization and followup, I feel that this should be his prerogative, and I rise in support

of the original motion.

PRESIDENT GRAYBILL: Mr. Choate.

DELEGATE CHOATE: Lyman Choate from District 2. I rise in support of the substitute motion, for the reason that I'm ornery enough to believe, that in spite of what some of the things that have been said here, the committees will not evolve into a bunch of people who will let partisanship enter into the selection of a Chairman.

It might very well be that in a discussion among themselves, that they would find someone who would better serve on the committee as the Chairman than the one appointed by the President. Very likely, this isn't going to happen very often; however, if we're going to get into nonpartisan thinking, or bipartisan thinking, we need to start, and we have done so. We have made good progress and great strides in that direction in the last couple of days.

I have every faith and confidence in the Chair---in the President and in the Vice-Presidents whom we have elected, but I think, though, that the committees themselves could decide how the work can better be done by picking their own Chairman afterwards, and so I support the substitute motion.

PRESIDENT GRAYBILL: Very well. Mr. Hanson.

DELEGATE HANSON: Mr. Chairman, when I first heard

of this move, I had some mixed emotions about it, and I have every confidence in our Chairmanship and our Vice-Chairmans, and I would have been completely satisfied with the appointments that they would have made; however, after the discussion I have listened to here this afternoon, I believe that in harmony, that we should support the substitute motion. I think that we will have a more harmonious Convention by doing that at this point, with the understanding that this is definitely not any discredit or refelction on the Executive Committee.

PRESIDENT GRAYBILL: All right. Is there any other discussion? Mr. Cate.

DELEGATE CATE: Mr. President, a point of clarification. I note that Mr. Eskildsen, Mrs. Bates, Mr. Holland and Mr. McKeon are the first names listed on four of the Procedural Committees. Was that a designation of chairmanship?

I note from referring to other rules of other committees, of other conventions, that the first person named is the Chairman of the committee. Was it your intention that those people were to be the Chairmen of those committees?

PRESIDENT GRAYBILL: Mr. Cate, had you taken my admonition---or my request that you not go out there, you would have heard me say from the Floor, that I have not

designated any Chairmen or Vice-Chairmen.

DELEGATE CATE: Thank you.

PRESIDENT GRAYBILL: Mr. Harbaugh.

DELEGATE HARBAUGH: Gene Harbaugh from District 4. I'd like to call for the question.

PRESIDENT GRAYBILL: We're not going to have the question until everybody has had their say.

Mr. Jacobsen.

DELEGATE JACOBSEN: Mr. President, how do you, yourself, feel about making these appointments with the Vice-Presidents?

PRESIDENT GRAYBILL: I beg your pardon?

DELEGATE JACOBSEN: How do you, Mr. President, feel about making these appointments, with the advice of the Vice-Presidents?

PRESIDENT GRAYBILL: Since there is so much discussion, when the discussion is completed, I will relinquish the Chair and make a statement.

Now, does anybody else want to discuss the motions? We're on Mr. Campbell's substitute motion. Mr. Drum.

DELEGATE DRUM: Dave Drum, District 8. I'm not ready to run a foot race with the younger generation, but I'm sure not ready to be accused of being one of the older generation, so I guess I fit somewhere in the middle.

When the substitute motions were passed around, I

did a little doctoring on them and thought that they were a real good idea. In my past memory of some of the things we've done, being a past legislator, thinking of some of the problems of committees, I reflect back to one committee where the Chairman wanted to express himself on every single subject.

He looked great the first day---two or three days, and I think if he'd been picked on merit, he would have been the one selected, but we got so tired of listening to that guy. So, we will now have three bills to consider, and he'd say, "this is what I think about the first one," and then he would say, "well, you're wrong and here's why," and it just about drove everybody out of the room.

Another Chairman, who happens to be sitting back here, was one of the greatest committee Chairman there ever was, and he didn't open his mouth until everyone had expressed themselves, and he would never have been the first choice of anyone in there the first week.

Now, all I'm saying, is when you address yourself to merit, merit isn't always easy to determine during the first week, and sometimes that merit can get very tiresome down the line, so I think that in order to do the business of this Convention, we should consider the judgment of the leadership that has been selected, allow him to go ahead and appoint these committee Chairmen because if they select

their own committee Chairmen, and the product of this Convention is not satisfactory, this Constitutional Convention will make the sales tax look like a wreath of lillies around you know whose neck up there, and he doesn't want that any worse than you do, so I believe we should go ahead with the Committee report, select it, endorse it, and move on to other business.

PRESIDENT GRAYBILL: Mr. Delaney.

DELEGATE DELANEY: After reading this substitute motion of the original motion, I see that the word "temporary" is in the substitute motions.

Personally, I kind of believe that this is an unnecessary word, and I believe the whole crux of this boils down to whether the Chairmen will be approved by the committee or by the Convention of the whole, and I believe the committee is the one who should approve it.

PRESIDENT GRAYBILL: Mr. Swanberg.

DELEGATE SWANBERG: Mr. Swanberg from District 13. I think there are some attractive features to both substitute motions, but I also believe that there is real danger of devisiveness, if we go along with it. Mr. Drum's comments about inexperienced Chairmen, I think, should be taken up, also.

The President and his advisors, the Vice-Presidents, will presumably make it their business to acquaint themselves

with the qualifications of each and every member here and when they take up the problem of committee Chairmanships they will, I'm sure, appoint the most competent person available for the job. This might not occur if the committees themselves made that choice, so I think that this is a very real point to consider.

I think Mr. Eskildsen's idea there, also---about the party predominance here, will also come up. But, as I say, there are attractive features to both the substitute motions, but I think the weight of preference is for the original motion, and I am speaking in support of it.

PRESIDENT GRAYBILL: Mr.---now, if you've been up once, you ought to let somebody else get up, till everybody's been up once.

Mr. Romney.

DELEGATE ROMNEY: Mr. President, Miles Romney of District 22. I did not intend to discuss this matter, but in view of the fact that I am a member of the Rules Committee, and we discussed this quite thoroughly, I feel that I should give my support to the Rules Committee's version and oppose the substitutes.

I think that there is merit in turning democracy loose and providing it with full play. I would hate to see it shackled, but I notice that this substitute---this second substitute motion, provides that at such committee

meeting, the temporary Chairman shall call for the election of a permanent committee Chairman and Vice-Chairman. It indicates a view, that this appointment and meeting will take place tomorrow.

Tomorrow, as I understand it, will be the last day of this organizational session. In a few minutes after appointment tomorrow morning, these various committees would meet with the Chairman as appointed by the leadership, which is of both parties, and the Chairman would call the meeting to order and the membership of the committee would evaluate that leadership in six or seven minutes, and then, perhaps, dispense with it and elect somebody else, a person who they may not have known for more than three or four days. I submit that this is hogwash, and as the youngest member of the assembly, I reject it.

PRESIDENT GRAYBILL: Mr. Foster.

DELEGATE FOSTER: Don Foster, Delegate from District 10. Mr. Swanberg has eluded to the fact that some of us Delegates might have more experience than others. I submit that we all have equal experience as Constitutional Convention Delegates.

Thank you.

PRESIDENT GRAYBILL: Mr. Brazier.

DELEGATE BRAZIER: I yield to Mr. Burkhardt.

PRESIDENT GRAYBILL: All right, Mr. Burkhardt.

DELEGATE BURKHARDT: Bill Burkhardt, District 12. I don't really want to hear the sound of my voice too long, and I'll try to be brief, but it seems to me that a couple of things could be put into this, that would make it a little more palatable.

PRESIDENT GRAYBILL: Mr. Burkhardt, the Chair wants to remind you that these are two amendments, now, and we can't amend them. If one of them fails, we can come back and start again.

DELEGATE BURKHARDT: All right, just as a matter of information, it would seem to be possible that the committee might meet a little longer than six or seven minutes before they made a selection, since they do have this prerogative.

The issue at stake, it seems to me, is the trust for the Delegates, and I think we've established a growing trust in our President and Vice-Presidents, and now it's time to trust the Delegates.

PRESIDENT GRAYBILL: Mr. Ask.

DELEGATE ASK: Mr. President, Tom Ask from District 9. As a member of the Rules Committee, I rise to support our original motion, and I would not like to belabor the point and take the time, but I'd like to tell my fellow Delegates, that our Committee, having the advantage of having our President before us a number of times when we

met, and through this meeting we have questioned him on the appointment of committee Chairmen and Vice-Chairmen, and I think it was the concensus of the Committee, that we trust his judgment and the judgment of the Vice-Presidents that we have elected, and we have had that advantage that he has not spoken of today.

PRESIDENT GRAYBILL: Mr. Johnson.

DELEGATE JOHNSON: Mr. President, I'm Torrey Johnson from District No. 1. I'd like to rise in support of the resolution from the Rules Committee, and I would like to add a sentence in view of all the arguments here.

If the Chairman or the Vice-Chairman proves to be inadequate to handle the responsibility in the view of this committee, he may be removed by a vote of that committee and replaced.

PRESIDENT GRAYBILL: Mr. Johnson, we'll note your motion, but we will not amend it, yet, unless we get there.

DELEGATE BOWMAN: Mr. President, may I speak again?

PRESIDENT GRAYBILL: Mrs. Bowman, yes.

DELEGATE BOWMAN: I would like to take issue with Mr. Romney's statement that we would be forced to select a Chairman of the committee after knowing him possibly only two or three minutes. I should hope that we probably know more of the Delegates now, better than we knew them on the day which we selected our Chairman, and I feel that we

showed competence in that area, and I feel that we can show the same competence when we select the Chairmen of the individual committees, if we are allowed to do that.

PRESIDENT GRAYBILL: All right, Mrs. Cross.

DELEGATE CROSS: Louise Cross, District 3. I have been listening to the debate in a rather neutral position, but I think my feeling on it has begun to gel a little bit. It would seem that everybody seeking---

SECRETARY MARSHALL: Hold the microphone up a little closer to your mouth, Mrs. Cross.

DELEGATE CROSS: Shall I repeat what I said?

SECRETARY MARSHALL: Yes.

DELEGATE CROSS: I've been listening to the debate in a rather neutral position, but I think now my feelings on the question are beginning to gel. It is my feeling that many of the Delegates would like the position of Chairmanship, and I can't help but think everybody wants to be a chief, and that you're not going to have any Indians to do the work.

I would favor, I believe, the motion from the Committee, and I'll be very happy to be one of the Indians.

PRESIDENT GRAYBILL: Mrs. Erdmann.

DELEGATE ERDMANN: Marian Erdmann from District 13. I rise in wholehearted support of the original motion from the Rules Committee. I believe that this Body has selected

their leader---their President and their three Vice-Presidents with deliberation. You have chosen them as your leaders, and now give them a chance to do some leading.

PRESIDENT GRAYBILL: Mr. Harbaugh.

DELEGATE HARBAUGH: Gene Harbaugh, District 4. I believe, also, with Mrs. Cross, that the opinions have begun to gel. I think we have allowed ample time, and I believe I'm in order, and I would like to move a question.

PRESIDENT GRAYBILL: Well, you might be in order, but I'd like to let everybody talk, and then I'm going to be last, so don't move it before I talk.

Mr. Arbanas.

DELEGATE ARBANAS: Harold Arbanas, District 13. I rise in support of the substitute motion. It seems to me, that we're saying that one person can select ten Chairmen better than ten people can select one Chairman.

PRESIDENT GRAYBILL: Is there other---Mr. Monroe.

DELEGATE MONROE: Mr. Chairman, did you mention earlier that an amendment is not in order at this time?

PRESIDENT GRAYBILL: No, we have three separate substitute motions, and if one of them fails, then we might have a chance to redo things. We've got to stop somewhere in the rules, too.

All right, Mr. Campbell, I would give you a chance

to respond after I speak, but if you want to speak now, you can.

(Delegate Campbell indicated in the negative.)

All right, is there other discussion?

(No reply.)

Hearing none, I'd ask Mr. Aasheim to take the Chair.

PRESIDENT AASHEIM: Mr. Graybill.

DELEGATE GRAYBILL: First of all, I'd like to say that I certainly have no---I'm not mad at anybody for any of the motions, and that's fine with me.

I'd like to discuss them, frankly, with you for just a moment, and I'm talking now only to Mr. Campbell's substitute motion---the last---the third substitute motion by Mr. Campbell.

First of all, it says that I move that the President, with the consent of the Vice-Presidents---now, I doubt if that'a really what they mean. Do I have to have the unanimous consent of all three of those Vice-Presidents before I can even make a temporary appointment? I don't think they mean that. They probably mean with the advice of them, and I would still have the right to make it, but it is a little misleading. I merely point out that it wouldn t work if I had to get them all to agree because we might not agree.

And the second point that I would like to make is this: If I am asked to---if this motion prevails, I would presume that you would like your committees to appoint their own Chairmen, in which case, I will appoint the first person on each committee whose name---the first alphabetical name, as the temporary Chairman because I certainly am not going to presume, point the finger at, or help anybody in his election to Chairman on that commission, so I'm not going to express any opinion at all, if you let the committees choose it. I'm only going to express the opinion of having picked number "A", or the first alphabetical name on the committee, as the temporary Chairman, and he can do the rest.

Third, I would, of course, express to you the feeling that I would like the right to pick them because apparently I'm going to have to be with them an awful lot during the rest of the Convention.

Thank you.

PRESIDENT GRAYBILL: Mr. Campbell, I'll recognize you.

DELEGATE CAMPBELL: Bob Campbell, District 18. I certainly would, if there was a question on the word "consent", change it to "consultation".

I would like to point out, that there is no dissatisfaction with the officers. We certainly are in support

of them. We certainly don't mean to place any false suspicions. I think we have a tremendous slate of officers, and that we are looking forward to a tremendous Convention; however, I think there has been a lot of strong issues raised inthis.

The substitute motion, in effect, I feel, will still draw upon the wisdom of the President and the Vice-Presidents in selecting this temporary Chairman. Now, he's at the disposal of the President and of the officers and the committee members; however, I feel that the ratification of this could be better done by that committee, who will have to work with that committee Chairman for the next three months, rather than all of us going through and trying to ratify the appointment of every single committee Chairman.

I think that, of course, the person who is appointed, he would have a tremendous advantage, and I think that we are entitled, and I hope we would get an appointment of someone that the President feels is qualified on these committees.

I might point out again that this literature, when you went home, you'd know what committee you're on, you'd know that you had one meeting, and you'd know who the chairman and the vice-chairman of that committee is. I think this is essential, if we are going to prepare for the

important work next January 17th, but if there are no committee meetings at all, I feel that a lot of work may not be done, that could otherwise be done.

Thank you.

PRESIDENT GRAYBILL: Thank you.

Now, the committee---or the sponsor of the amendment has spoken, and the Chair has spoken, and the original resolution to which it's a substitute is the Rules Committee, and I'll recognize Mr. Murray, if he wants to say anything.

DELEGATE MURRAY: Mr. President, I probably brought this upon myself because after the first substitute motion was printed and delivered to the desks of this Convention Hall, prior to the time that the Committee proposed a rule and it was fully considered and distributed, we did call Mr. Vermillion to our Committee room and we did hear what he had to say about the first substitute motion.

Thereafter, we suggested to him and to Mr. Foster, that if they were serious in their contentions, that they propose and draft something in line with the second substitute motion, as you have it before you.

We, as the Committee, felt that we probably are now discussing the most important question, since the election of the President, to come before this Convention. We unanimously decided to stay with our original proposal

after hearing Mr. Vermillion and Mr. Foster, and we appreciate the discussion, and we hope that we get on with the vote.

DELEGATES: Question.

PRESIDENT GRAYBILL: Are you ready for the question?

DELEGATES: Question.

PRESIDENT GRAYBILL: All right, the question is on the substitute motion. The substitute motion is:

I move that the President, with the consent of the Vice-Presidents, shall appoint the temporary Chairman of each committee who will preside at the first committee meeting before the adjournment of the organizational session. At such committee meeting, the temporary Chairman shall call for the election of the permanent committee Chairman and Vice-Chairman.

All those in favor of this substitute motion vote "Aye"---the balloting is open---all those opposed, vote "No".

Has everyone voted? Does anyone want to change his vote? If not, the vote is closed.

SECRETARY MARSHALL: Mr. President, thirty Delegates have voted Aye, sixty-eight Delegates have voted No.

PRESIDENT GRAYBILL: By voting thirty votes Aye and sixty votes No, this substitute motion fails.

SECRETARY MARSHALL: Sixty-eight, sir.

PRESIDENT GRAYBILL: All right, sixty-eight voting No, this substitute motion fails.

The question is now on the first substitute motion of Mr. Vermillion's, that he moves:

That all committee Chairmen be selected by the members of the committee on a merit basis.

Now, Mr. Harrington.

DELEGATE HARRINGTON: Dan Harrington from District 20. On that particular vote, my voting machine didn't work, but I did vote and I voted "Nay".

PRESIDENT GRAYBILL: Nay?

DELEGATE HARRINGTON: Yes. Just so my position is clear.

PRESIDENT GRAYBILL: All right.

Now, we're on the substitute motion of Mr. Vermillion, and it's up for discussion.

DELEGATES: Question.

PRESIDENT GRAYBILL: All right, we're going to vote on the substitute motion. The motion is:

That I move that all committee Chairmen be selected by the members of the committee on a merit basis.

I'm going to open the ballot. All those in favor of the proposition, vote "Aye", and all those opposed to the proposition vote "No".

Has everyone voted? Is your light on, Mr.

Harrington?

DELEGATE HARRINGTON: Yes.

PRESIDENT GRAYBILL: Okay. Does anybody want to change the vote? The ballot is closed. Will you tally the vote, Mr. Clerk?

SECRETARY MARSHALL: Mr. President, nineteen Delegates have voted Aye, eighty-one Delegates have voted No.

PRESIDENT GRAYBILL: All right, the No's eighty-one and the Ayes are nineteen, and therefore, that motion fails.

We are now on the original resolution of the Rules Committee:

That the President, after consultation with the Vice-Presidents, shall designate the Chairmen and Vice-Chairmen of every committee and his designees shall be subject to the approval by a majority of the members of the Convention. In the case of a vacancy or a prolonged absence of the Chairman or Vice-Chairman, the President of the Convention shall appoint a Chairman to act until the Chairman or Vice-Chairman shall return.

Mr. Habedank.

DELEGATE HABEDANK: Otto Habedank, District 13. I would like to propose an amendment to the Committee motion, and change the word "Convention", to "majority of the members of the committee". I think the committee is much more

able to approve the designation by the President, than are the members of the Convention of the Whole. I also think that approval by the members of the committee, will keep the peace and harmony that Mr. Campbell is trying to achieve.

PRESIDENT GRAYBILL: All right, there's been an amendment to the Rules Committee's resolution. The sense of the amendment, is to change the approval of the designees of the President from the majority of the Convention, to the majority of the committee. Is there any discussion on the amendment? Mr. Aronow.

DELEGATE ARONOW: Mr. President, Cedor Aronow from District 15. May I ask Mr. Habedank a question?

PRESIDENT GRAYBILL: Yes, sir.

DELEGATE ARONOW: I'm not rising in support or opposition of your amendment, but the procedural question enters my mind. When is that approval to be given? Is it to be given tomorrow, or will it be given on the 17th of January, or the 18th of January?

The reason I ask that, is that there may hardly be time to have the committees meet tomorrow, prior to adjournment, and prior to the time we leave for our perspective homes.

DELEGATE HABEDANK: Mr. Aronow, I think you have raised a very good point, and I would be happy to amend it

further to, "approval by members of the committee by January 19th.

PRESIDENT GRAYBILL: 1972?

DELEGATE HABEDANK: Yes.

PRESIDENT GRAYBILL: Now, we're still debating, and we're open for debate on this motion---or this amendment, and I'll recognize Mr. Johnson.

DELEGATE JOHNSON: Torrey Johnson from District 1. I had a motion in there to start with, on this particular argument. Is that out of order, the one I made a while ago?

PRESIDENT GRAYBILL: What did you do?

DELEGATE JOHNSON: The amendment to this original motion that I made a while ago, and you said we had to wait to see what the outcome of the other---

PRESIDENT GRAYBILL: Oh, well---what was your amendment? Just a minute, was that to have removal by the committee? In other words, before Mr. Habedank's---well, let's do it now. Why don't you---do you want to---I'll see that you get it in. Do you want to make it now, or do you want to wait until we take care of Mr. Habedank?

DELEGATE JOHNSON: I'll wait. Excuse me.

PRESIDENT GRAYBILL: Okay, Mr. Johnson. I did slip up.

Okay, we're on Mr. Habedank's amendment to make the approval by the majority of the committee by January 19,

1972. Is there any discussion on that? Mr. Campbell.

DELEGATE CAMPBELL: Bob Campbell, District 18. I would fully support this amendment. I think that it will provide just what we were trying to do in the substitute motion, and I think that this is fine, and I would support it. Thank you.

PRESIDENT GRAYBILL: Mr. Davis.

DELEGATE DAVIS: Mr. President, Carl Davis, District 21. I would inquire of the Chair, would the Chair have any reservations, or would the Chair care to speak to this question of whether there would be any real significant difference as to whether the approval were by the Convention of the Whole, or by the committee?

PRESIDENT GRAYBILL: The Chair hasn't any very strong opinion. I was concerned if there wasn't a deadline in it, that at any time the Chairman got out of face with the committee, that he would get kicked out, but I take it that can't happen anymore, after the 19th of January.

I suppose that the sense of the motion is, that if the committee kicks the Chairman out, then the President gets to nominate a new one, is that right, Mr. Habedank?

DELEGATE HABEDANK: That would be my thought, Mr. President. We could word these motions so long to take care of all the whereas's, and we would never get it done.

PRESIDENT GRAYBILL: Well, we'd better get it done today, and not next March.

All right. I haven't any strong feelings either way, but I'm going to support the Rules Committee, if I get to vote, but I'm not concerned.

DELEGATE DAVIS: Mr. President, the original motion of the Rules Committee says it has to be subject to the approval of the majority of the members of the Convention. This change to a majority of the members of the committee would not be a major change, and probably might go a long way toward reuniting everybody after these long talks, and maybe make it easier for the Chair, rather than more difficult, in the long run.

PRESIDENT GRAYBILL: Mr. Furlong.

DELEGATE FURLONG: Mr. President, Furlong, District 16. I object to the amendment. I consider it a disenfranchisement of my right to vote.

PRESIDENT GRAYBILL: All right, is there further discussion? Mr. Eskildsen.

DELEGATE ESKILDSEN: Mr. President, Leslie Eskildsen from District 5. As a member of the Rules Committee, I feel that this may be one of the ways we can answer the question that's been before us, and I think on this point, that we probably could support it.

PRESIDENT GRAYBILL: Mrs. Robinson.

DELEGATE ROBINSON: I'd like to speak in favor of the Rules Committee's recommendation. I don't feel it's quite as good as the substitute motion, but I think it's a real good motion, and I think that everyone could work real well with the amendment as proposed by Mr. Habedank.

PRESIDENT GRAYBILL: Mr. Barnard, were you on your feet?

DELEGATE BARNARD: I'd just like to point out to the members of this Convention, that by this motion, we're getting right back into the second substitute motion we had a while ago. It's very similar, and it was just defeated.

DELEGATES: Question.

PRESIDENT GRAYBILL: Is there any more discussion on the amendment?

DELEGATES: Question.

PRESIDENT GRAYBILL: All right, the amendment is to the Rules Committee's resolution. The sense of the amendment is, that the members of the committee could reject a designee of the Chairman by January 19th, 1972, if they so desire.

All those in favor of the amendment vote "Aye", all those opposed vote "No".

Have all the Delegates voted? I see you're still changing your votes. Does anybody else want to change their votes? Do you want to change?

(No reply.)

The Chair has closed the vote. Does anybody want to reopen the vote, without playing around?

All right---Mr. Monroe, do you want me to open the vote so you can change? All right, can I open the vote? Could you open the vote?

SECRETARY MARHSALL: No.

PRESIDENT GRAYBILL: The vote is already closed, and we can't open the vote on the machine, Mr. Monroe. Shall we take another vote, Mr. Monroe?

DELEGATE MONROE: Yes.

PRESIDENT GRAYBILL: All right, let's void the vote and we'll start over again.

All right. Now, we're going to vote on the motion of Mr. Habedank, that the majority of the members of the committee can reject the designee of the Chairman of the President, if they want to, but that they have to do it before January 19th, 1972.

All in favor of that vote "Aye", and all opposed vote "No". The vote is now open.

Have all the Delegates voted? Does any Delegate wish to change his vote? The Chair is going to close the ballot.

SECRETARY MARSHALL: Mr. President, thirty-nine Delegates have voted Aye, fifty-nine Delegates have voted

No.

PRESIDENT GRAYBILL: Since thirty-nine have voted Aye---isn't that right, Mr. Marshall?

SECRETARY MARSHALL: Thirty-nine Delegates have voted Aye---

PRESIDENT GRAYBILL: ---and fifty-nine have voted No, the amendment fails.

For the information of the Convention, what I was hoping to do was to get a fifty-fifty vote there once, and I was going to freeze it to show you that a fifty-fifty loses. I hope you understand that.

All right, now we're back on the Rules Committee's resolution.

DELEGATE: Mr. Chairman.

PRESIDENT GRAYBILL: Mr. Johnson.

DELEGATE JOHNSON: Mr. President, Torrey Johnson from District No. 1. I have a motion---a substitution:

If the Chairman or Vice-Chairman at any time proves inadequate for the responsibility of the job, in the view of his committee, he may be removed by vote of the committee and replaced.

PRESIDENT GRAYBILL: Now, Mr. Johnson, may I ask you to say if he's replaced by the committee, or by the Chair?

DELEGATE JOHNSON: Replaced by the President.

PRESIDENT GRAYBILL: Replaced by the President?

DELEGATE JOHNSON: And appointed by the President in the first place.

PRESIDENT GRAYBILL: Now, the Chair is going to rule that that is an amendment, because it merely adds words to the existing thing, and is not a substitute motion, so it's an amendment.

Now, is there debate on Mr. Johnson's amendment? The sense of the amendment is, that if the Chairman or Vice-Chairman is inadequate, then the committee may reject that Chairman or Vice-Chairman, and at that time, the President would appoint a new Chairman or Vice-Chairman.

Is there any debate? All right, Mr. Mahoney.

DELEGATE MAHONEY: I think this would be a very dangerous motion. At any time you got a little mad and the committee got a little mad at the Chairman---you know, everything is fine in the first three days, or on the 19th, but man, along about the fifty-fifth day and they're all keyed up and on edge, I would hesitate that the committee could then go out and say we're kicking him out---the Chairman. Now, this would be a little bit dangerous, I think.

PRESIDENT GRAYBILL: Is there any further discussion?

(No reply.)

Are you ready for the question?

DELEGATES: Question.

PRESIDENT GRAYBILL: All right. We're going to vote on Mr. Johnson's amendment, the sense of which, is that the Chairman or Vice-Chairman of the committee could be removed by the committee, when he is inadequate, and that then the President would appoint a new Chairman or Vice-Chairman.

The ballot is now open. Those in favor of the amendment vote "Aye", those opposed vote "Nay".

Have all the Delegates voted? Do any Delegates wish to change their vote? The ballot is closed. Will you please tally the vote?

SECRETARY MARSHALL: Mr. President, seven Delegates have voted Aye, ninety-one Delegates have voted No.

PRESIDENT GRAYBILL: Ninety-one Delegates having voted No and seven Aye, the amendment failed.

Now, we're back on the Rules Committee's proposal---resolution, that the President, after consultation with the Vice-Presidents, shall designate the Chairman and Vice-Chairman, and his designees shall be subject to the approval of the majority of the members of the Convention, and in case of a vacancy, the President can appoint another one.

Now, Mr. Harper.

DELEGATE HARPER: George Harper, District 12. A

question about this little phrase here about approval by the majority of the members of the Convention.

Interpreted one way, I could see how this opens up what is tantamount to an election of the whole Body for each of these. How is it anticipated that a person would go about getting this approval of a particular person?

Let's say that the committee on Education, a person doesn't agree with the Chair's appointing. In order to say why he is disagreeing, he probably would like to, say, point out somebody else who he thinks would make a better Chairman, and it would then necessitate the getting of several other nominations and having an election, or how would this work?

PRESIDENT GRAYBILL: Since---the Chair would tell you how, as it's written, unless he were instructed differently, I would interpret that, since otherwise we would have to vote as a mass on all of them, and that would raise it each time.

I would assume, that if anybody was dissatisfied with the Chairman or Vice-Chairman, he could raise the issue, and the Chair will certainly then put the matter to the Body, and the Body can then decide whether to sustain or reject the Chair's nominee, but I would think that we'd only do it when somebody objected, rather than going through twenty-two of them, or twenty-six of them, before somebody

objected.

Mr. Habedank.

DELEGATE HABEDANK: Otto Habedank, District 3. I would like to inquire of the Chair, Mr. Mahoney brought up something that never occurred to me.

I always assumed that if the Chair appointed a Chairman or a Vice-Chairman, at such time as the Chair determined he was not functioning properly the Chair could automatically take him out of office, and I would like to have that clarified. Does the Chair assume that---

PRESIDENT GRAYBILL: The Chair certainly does not assume that under this motion because only in the case of a vacancy or prolonged absence, has the Chairman any right to appoint another one.

I can tell you, that if you put a fellow in there, he will stay whether he agrees with me or not, until the end, unless he gets sick or leaves for a prolonged absence.

I don't know, I suppose I could argue with you about what is a prolonged absence, but in other words, he would have to be not functioning before I would replace him, even if he wasn't doing what I wanted him to.

DELEGATE HABEDANK: I though the Chair would not replace somebody who disagreed with him, but you could accidentally end up with a non-functioning Chairman. It's

inconceivable, of course, but it does happen.

PRESIDENT GRAYBILL: Well, I'm sure that if the committee brought that to our attention and the facts were there, then we'd be glad to make another appointment, and I surely would, at that point, at least announce it and, at that point, anybody that raised the issue of the replacement could bring it to the Body and it could all be decided right then on that issue. I'm not trying to speak on it, I'm trying to tell you what I would do under this rule.

Mr. Rollins---oh, Mr. Loendorf.

DELEGATE LOENDORF: Mr. Chairman, the question raised by Mr. Harper caused me to read this provision again, and I'm not sure I understand it. At least, I understand it differently than he does, and I'd like to direct a question to Mr. Murray.

As I understand it, as I read this, the President appoints the Chairman and the Vice-Chairman, subject to the approval of the majority of the members of the Convention. That means, to me, that the appointment does not take effect until the majority of the members of the Convention approve the appointment.

Mr. Harper apparently interpreted the rule to read that the appointment takes effect immediately, and that then it could be changed on the Convention Floor at some later time.

I would like to ask Mr. Murray to explain this.

DELEGATE MURRAY: Mr. President, as I interpret the rule as proposed, the President would designate the Chairman and Vice-Chairman of every committee, would come back to the Floor of the Convention Hall, would announce his appointments and ask for the approval by the members of the Convention. Should anybody resist his motion for approval, then I would submit that he probably would segregate that particular part of the motion and approve those that could be approved, and debate anybody at issue.

PRESIDENT GRAYBILL: Now, the Chair certainly understands it better now, and I'll be glad to do that. In other words, after I have appointed them, we'll come back here---what I really do is nominate them, and then if you don't want any of them, you can pull them out, so that's what we'll do under the rule if it passes.

And now Mr. Choate.

DELEGATE CHOATE: Lyman Choate, District 2. I think we're discussing something here, or worrying about something here, that isn't going to happen. In the first place, any committee Chairman who wasn't functioning properly with his committee and obviously wasn't getting the job done, he would be the first person that would be aware of that, and he would certainly be asked to be replaced by somebody that could more effectively get the work done in

the committee.

All of us are concerned here with doing a good job and getting on with the work, so that if we wind up in any committee with an ineffective Chairman, it will be much easier for him to determine that himself, than it would anybody else outside. I don't think we need to worry about it.

DELEGATES: Question.

PRESIDENT GRAYBILL: Any more discussion, now, on the resolution?

DELEGATES: Question.

PRESIDENT GRAYBILL: Mr. Murray, are you ready to close it? You don't have to say anything, just nod.

DELEGATE MURRAY: I'm ready.

PRESIDENT GRAYBILL: Okay. All right, the Chair will now place before you for a vote, the resolution of the Rules---Temporary Rules Committee, that the President after consultation with the Vice-Presidents shall designate the Chairmen and Vice-Chairmen of every committee, and his designees shall be subject to the approval of the majority of the members of the Convention, which means they're going to be brought back here and you're going to see them and pass on them, at least, enmasse and, maybe, individually. In case of a vacancy or a prolonged absence, the Chairman or the Vice-Chairman, the President of the Convention

shall appoint a Chairman or a Vice-Chairman until the Chairman or the Vice-Chairman shall return.

Now, all those in favor of the Rules Committee's resolution signify by saying "Aye", and all opposed say "No".

Has every Delegate voted? Does any Delegate wish to change his vote? All right, tally the ballot, please, Mr. Clerk.

SECRETARY MARSHALL: Mr. President, ninety-seven Delegates have voted Aye, and two have voted No.

PRESIDENT GRAYBILL: By your action of ninety-seven of you voting Aye, and two voting No, the Rules Committee's resolution is adopted, and the Chair will go to work on the Vice-Chairmen and Chairmen.

Now, Mr. Mahoney.

DELEGATE MAHONEY: I'd like to congratulate this Convention and the Chairman---the President. I've set through a good many debates in my time, and I never saw a more better, intelligent, square debating, than was done at this time, and nobody was hollering question, and nobody was trying to speed up anything.

If we continue this way, we'll have one of the best Conventions the United States has ever had in the fifty states.

PRESIDENT GRAYBILL: Now, before we adjourn, I'd

like to make a couple of quick announcements. There are a couple of small matters we have to take care of.

First of all, I would like to explain something that occurred to me during this debate. Occasionally, I look down and write notes, and when I look up, lots of times I really don't see the first person up, but I see some person up and recognize them, and if I missed you, just persist and eventually I'll find you, but I often get you out of order, and I'm not mad at you, I just would see the other one first.

All right. Secondly, there's a matter that I think I would like to commend the Rules Committee on. The Rules Committee has operated all the committee meetings under an open door policy, and we have had all open votes, and I trust that before the second session in January, we may actually have a rule on this, but I would like to ask that we continue to keep this Convention completely open, and I want to commend the Rules Committee for what they've done in that regard so far.

Now, third, I said that I would recognize Mrs. Reichert for a proposal, or statement. Mrs. Reichert.

DELEGATE REICHERT: Arlyne Reichert, District 13. At this time, I would like to make an appeal to the press. I know how important press coverage of constitutional conventions has been. Last Legislative Session, I sat up

there and I watched the confrontation of Democrats on one side of the aisle and Republicans on the other, and when I talked about this Constitutional Convention in the beginning, the first thing I discussed was alphabetical seating and, frankly, many people were discouraging. They said it will never come to pass because you are being elected on a political party basis. But I think yesterday, we set the tone for this historic Convention. The vote was overwhelmingly in favor of this great alphabetical seating.

I wish to commend my fellow Delegates for proving to the people of Montana, that we will conduct this Convention without political party dissention. It is further my hope that there will be no political party caucasing throughout the Convention. I realize that we will have to meet on issues, and I think that is fine, but I hope none of these meetings will be based on party lines.

My appeal to the press, and they may never let me sit up there again, but I hope that they will share the tradition, too, and that when we meet again in January, I hope that the coverage will eliminate the customary designation after the name, "R" for Republican, "I" for Independent and "D" for Democrat, and we will---forgive the pun---be rid of political party labels.

Thank you.

PRESIDENT GRAYBILL: Thank you, Mrs. Reichert.

Mr. Champoux.

DELEGATE CHAMPOUX: In that light, maybe we ought to start doing that in this Convention, too. As a matter of fact, we could propose a fine of twenty-five cents for anybody who uses Independent, Republican or Democrat. The Page will collect it---

DELEGATE: Seventy-five.

DELEGATE CHAMPOUX: Seventy-five? ---and we'll all have a party when it's over.

PRESIDENT GRAYBILL: All right, the Chair has this further announcement. Mrs. Babcock, excuse me.

DELEGATE BABCOCK: I was going to suggest we also eliminate sex.

PRESIDENT GRAYBILL: Mrs. Babcock---wait a minute. Wait a minute. Mrs. Babcock has assured me, she means that on the Convention Floor.

All right. Now, Mr. Cate.

DELEGATE CATE: Mr. Chairman, fellow Delegates, first of all I think that we should commend the Chairman for the nonpartisan---or bipartisan manner in which he has conducted this Convention for the last two days. I think it's been commendable.

Secondly, I'd like to say that I supported Leo Graybill for Congress on his two attempts, and if Leo Graybill wants to run for Congress again, I'll support him

again---

PRESIDENT GRAYBILL: Now wait a minute, we don't want to use those words.

DELEGATE CATE: The reason I say that, is that I have opposed the Chair, and many of you know it. I have opposed the Chair on many matters here.

My reason is not because of any personal opposition to Leo Graybill. My reason was to try and keep this a nonpartisan Convention and not a Democratic Party Convention, run by the Democratic machine, and that was the underlying motives for my attempts.

There is nothing personal, in my mind, against our Chairman, and I would want the Chair to know that, and I want all the Delegates to know it.

Thank you.

PRESIDENT GRAYBILL: Thank you, Mr. Cate.

The Chair would like to also---I think he would be remiss if he did not say, that I think a good deal of the reason Mr. Mahoney was able to congratulate us, is just as he said, you are not constantly shouting at me, you are not constantly waiting, and you are gentlemen and ladies in taking your turn, and I think you all ought to be highly commended, if you'll accept one to a hundred.

DELEGATE: Mr. Chairman.

PRESIDENT GRAYBILL: Yes, Mr. Drum.

DELEGATE DRUM: Since this is the hour of forgiveness, or asking for forgiveness, I would like to remove one more burr from under the saddle.

I now accept this neighborhood as being a quality neighborhood in the gallery, and we have two Vice-Presidents and one Secretary, and my fellow Delegate is starting to behave himself better, so I would like the vote of yesterday to be one hundred percent.

PRESIDENT GRAYBILL: The gentleman may stand corrected.

Now, ladies and gentlemen, on the last wall out there, you will find posted the Procedural Committees and, as I said a few minutes ago, there is no indication, yet, of Chairman and Vice-Chairman, and they're not even necessarily in alphabetical order. We'll work on the Chairman and Vice-Chairman thing---except that I will tell you, that where there's a Vice-President, especially when it's Toole, he's going to be the Chairman.

One other thing I would like to say here, you all did a very good job of answering those questionnaires. The one thing you did, you kind of overdid it on Procedural, and there's absolutely no way I could use all of you on Procedural Committees. There was about a three to one subscription to that, so those of you who are not on Procedural Committees, bear with us until we get the Substantive

Committees ready, and I'm sorry everybody couldn't be on them, but it would make them too big if we did that.

Mr. Kelleher.

DELEGATE KELLEHER: Tomorrow morning, Mr. Chairman, at 9:00 a.m. in the Senate Chamber, there will be a meeting for those who are interested in unicameralism, and everybody is invited. 9:00 a.m. in the Senate Chamber tomorrow morning.

PRESIDENT GRAYBILL: All right, any other announcements before I recognize Mr. Murray? Mr. Martin.

DELEGATE MARTIN: Mr. Chairman, will the District 11 Delegates meet over in this corner upon adjournment? It's not a caucus.

PRESIDENT GRAYBILL: Oh, it's a meeting, not a caucus.

DELEGATE MURRAY: Mr. President.

PRESIDENT GRAYBILL: Mr. Murray.

DELEGATE MURRAY: Mr. Chairman, there will be a Rules Committee meeting at 9:00 o'clock in the morning in the usual room, which is over there in the left-hand corner, and I move that the Convention recess until the hour of 11:00 a.m.---or adjourn until the hour---is there something else?

PRESIDENT GRAYBILL: No, I just wanted you to say adjourn.

DELEGATE MURRAY: ---adjourn until the hour of 11:00 a.m., December 1, 1971.

PRESIDENT GRAYBILL: Now before we do that, Mr. Drum, did you want to say something?

DELEGATE DRUM: I have one question. Many of us will wish to check out of our hotels tomorrow. What can we expect in the way of---

PRESIDENT GRAYBILL: I'm sure we're not going to be here beyond tomorrow, and we're shooting for early afternoon.

I've got to get these committees approved by all those Vice-Presidents you elected, and then we'll be back here to approve them.

All right, I'm shooting for early afternoon tomorrow, but we will meet at 11:00 and see where we stand.

All right, you are adjourned.

(Whereupon, the Convention was adjourned at 6:30 o'clock p.m. until 11:00 o'clock a.m., December 1, 1971.)

MORNING SESSION

December 1, 1971 11:00 o'clock a.m.

PRESIDENT GRAYBILL: The Convention will be in order. All right, are you finished with your roll, Mr. Clerk?

SECRETARY MARSHALL: Mr. President, ninety-eight members are present, two excused.

PRESIDENT GRAYBILL: Very well. This morning, since this is Walter's last morning with us, as he's going to Japan, I'd like to ask Walter Marshall to lead us in the Pledge of Allegiance.

Will you please rise...

Reverend Harper, I wonder if you would give us an invocation from your place?

DELEGATE HARPER: Our Heavenly Father, we bow for this moment before the business of the day, to ask a sense of Your presence with us, and with Your spirit, remind us of the work that we have to do for other people. We thank You for the sense of fellowship we have with each other, and we pray that in all of our deliberations, that we will remember to consider the other fellow. Amen.

PRESIDENT GRAYBILL: Thank you.

Now, if the Convention will allow, we will take care of a few procedural matters first. The time, however, is

not being wasted, since the typists are typing as fast as they can on the committee lists, and we're going to have them out to you in a few minutes.

I understand that there is a request made that the pictures of the assembly in position be taken this morning, and I would like, at this time, for permission to do that.

All in favor say "Aye"...

DELEGATES: Aye.

PRESIDENT GRAYBILL: opposed...

(No reply.)

And the Chair will leave the Chair and sit in his seat where they want me, so that's why you're headless for a while.

The Chair will recognize Mr. Monroe for a matter.

DELEGATE MONROE: Mr. President, I move that the President of our Convention be authorized to send paternal greetings to the State of North Dakota Constitutional Convention. Their President is Mr. Westrum from Williston.

As many of you know, the North Dakota State Constitutional Convention is now in process, and that they had their organizational meeting last April 6th through 8, and they will be reconvening January 3rd and, of course, in the months in between, there will be many committee meetings.

We are paternal in this sense, that in 1889,

Montana, North Dakota, South Dakota, and Washington were all entered into the United States of America---into the Union, and I move that the President be authorized to send a paternal message to them at this time.

PRESIDENT GRAYBILL: You have heard the recommendation of Mr. Monroe that this Body send paternal greetings to the Constitutional Convention in North Dakota, and that the President sign that greeting.

Is there any discussion on this matter?

(No reply.)

All those in favor of sending such paternal greetings to North Dakota---and I think I would like to have Mr. Monroe work with the staff to prepare that greeting for us---signify by saying "Aye".

DELEGATES: Aye.

PRESIDENT GRAYBILL: Opposed...

(No reply.)

All right. It shall be done.

All right, this morning, I think we will make rapid progress on these committee matters. So that you'll know what we're doing, I'm going to submit immediately for you, the Chairmen and Vice-Chairmen of the Procedural Committees, which are all worked out. There are only eight of them, and I'll read them to you, and you can mark them on those sheets, if you have them left over.

In the meantime, the staff is typing the full Substantive Committee lists. I want to make one thing very clear, the Substantive Committees which I want to submit to you, are going to show on the typed copies we hoped to distribute, also my submission for Chairman and Vice-Chairman. I'm going to put that all on the sheet at once. This doesn't mean that it's foreclosed, and anybody can talk about it that wants to here at the meeting, but in the interest of not having to type the thing twice, except in case of an emergency, I am going to put it all in one ball of wax.

I want you to know that the Vice-Presidents, all three of them, and the Secretary, met with me this morning since 8:30 and we have been all over all of the lists, and I believe I'm correct that we are in complete agreement in submitting them to you.

After I submit the names of the Rules, Style, Public Information and Administrative Committees to you, and after you have decided that they are acceptable, I am going to ask for a short recess while the Administrative Committee meets in the room to my right. The recess will be about five minutes, and in that interim, we hope to get the other sheets passed out to you.

Now, on the Rules Committee, it is the Chair's nomination, concurred in by the Vice-Presidents, that

Marshall Murray be the Chairman and Leslie Joe Eskildsen, the Vice-Chairman. Marshall Murray the Chairman, and Leslie Joe Eskildsen the Vice-Chairman.

On the Style, etc., Committee, it is the Chair's nomination, concurred in by the Vice-Presidents, that John Schiltz be the Chairman and William Burkhardt be the Vice-Chairman. John Schiltz the Chairman and William Burkhardt the Vice-Chairman.

On Public Information, it is the Chair's nomination, concurred in, that Honorable John Toole, the Vice-President of the Convention, be the Chairman and that Margaret Warden be the Vice-Chairman.

And on Administration, it is again the Chair's recommendation that the Honorable John Toole, the Vice-President, be the Chairman and Mrs. Dorothy Eck the Vice-Chairman.

I wish to explain, that it is the Chair's opinion that both Public Information because of its public nature and Administration because of its important nature to our operations, be chaired by the First Vice-President.

So, those are the nominees, concurred in, and now submitted to you for the Procedural Committees.

Now, what I would like to do---Mr. Murray, you could do it for me---is have a motion that these Chairmen and Vice-Chairmen be approved, and after the motion is made,

if anyone cares to raise an issue on any of them, we will then take that issue up. Mr. Murray.

DELEGATE MURRAY: Mr. President, I move, in accordance with the temporary rules of this Convention, that the designees of the President for Chairmen and Vice-Chairmen of the four Procedural Committees, be approved.

PRESIDENT GRAYBILL: All right. You have heard the motion of the Rules Committee Chairman. Mr. Cate.

DELEGATE CATE: Mr. President, I realize the motion doesn't take a second, but I would second that motion, and I think that the selection by the President is outstanding.

PRESIDENT GRAYBILL: Well, I might point out one further thing to the Democrats---whoops, I can't say that---to one half of the Body, Mr. Cate, and that is that we'll come out a little better ratio-wise, when we get the other committees taken care of.

Is there other discussion of these nominees for the Procedural Chairmen and Vice-Chairmen?

(No reply.)

If not, I will open the ballot and we will vote on this matter. The vote will be "Aye" if you wish to support the Chair and the Vice-Presidents' recommendations, and "Nay" if you do not wish to support them. All in favor vote "Aye", all opposed "Nay".

Have all the Delegates voted? Does anyone want to change his vote? The ballot is closed. Will you please tally the vote?

SECRETARY MARSHALL: Mr. President, ninety-eight Delegates have voted Aye, none voting No.

PRESIDENT GRAYBILL: All right. Now, there's one other matter that the Chair would like to take up, in conjunction with the Procedural Committees.

I won't honestly say that it was inadvertent, but I will say that I had not considered it---it was inadvertent to that extent---and that having considered it, the Chair would like to add to the Public Information Committee the name of Delegate Betty Babcock. May I have a motion from someone that I do that? Mr. Murray.

DELEGATE MURRAY: I so move.

PRESIDENT GRAYBILL: All right, it's been moved and recommended by the Chair that we add Mrs. Babcock to the Public Information Procedural Committee. Any discussion?

All right. Now, we're going to do this the easy way, Mr. Marshall. All in favor say "Aye".

DELEGATES: Aye.

PRESIDENT GRAYBILL: All opposed say "No"...

(No reply.)

All right, Mrs. Babcock, we're delighted to have

you on the Committee.

Now, if I could, I would like to ask that the House recess for ten minutes---or that the chamber recess for ten minutes.

DELEGATE: Mr. President, I rise to a point of order.

PRESIDENT GRAYBILL: All right, Mr. Foster.

DELEGATE FOSTER: Mr. Foster from District 10. I have a question on whether it's necessary, or desirable, to have the running totals of the voting showing on the board. I am of the opinion, that it would be more procedural to have the voting closed, and then to have the tally taken, as it were, and then show the totals. Is this a valid question?

PRESIDENT GRAYBILL: We can do it either way, and---I'll tell you what I think I would like to suggest, Mr. Foster. I think that's a matter that the Rules Committee could consider before the next session, and if anybody really feels---if you want to do it for the rest of this session, that's all right, too, but I think, in the long run, that we should make a rule as to how we do it. It's just a matter---we can do it either way. I certainly think that we should show them at the end, but if you don't want to show them so that we jockey, well, that's fine with me.

Anybody else have any feeling on that? Mrs. Bugbee?

DELEGATE BUGBEE: I agree, but I also think, Mr. President, I would like to entertain a motion that the Convention vote on having the permanent Rules Committee put into the permanent rules; No. 1, that there shall be no caucusing; and No. 2, that these electronic boards be handled as Mr. Foster mentioned. I have both those two in my motion, and I would like that the Delegation, itself, vote on this, so that it could be put in that it was the feeling of the Convention that we do this.

PRESIDENT GRAYBILL: Now, let me see if I understand you.

Now, I would certainly agree that the Committee--- the Rules Committee should consider how to do it, but do we want to tell them what to do, or wait until they make a recommendation?

DELEGATE BUGBEE: Mr. President, on this issue, I I would like it to be a vote from the Floor, itself, that these two things be put into the permanent rules.

PRESIDENT GRAYBILL: All right. Let's take them up one at a time. How about the lights beside our name? It's pretty hard to count them when they're closed. Do we want the lights beside our name to be on, or off? Do you want to make a motion that they be off, and then we can find out, Mrs. Bugbee?

DELEGATE BUGBEE: I'd like to make a motion that

all the lights be on, and that it be tallied after the lights have shown.

PRESIDENT GRAYBILL: All right, the first motion---can we make a motion that the lights by our names shall be on when we vote, period? Is that all right?

SECRETARY MARSHALL: Yes.

PRESIDENT GRAYBILL: All right. Mrs. Bugbee's motion, is that the lights by our names be on.

DELEGATE: Mr. President.

PRESIDENT GRAYBILL: Mr. Davis.

DELEGATE DAVIS: Carl Davis from District 21. I think the sense of the motion, as I understand it---and please correct me, Mrs. Bugbee---is that during the process of the vote, the board is not lit until we complete voting, and then it reveals how we vote.

In other words, so we don't get back to this back row, and when we see which way the vote is going, and then get on the bandwagon one way or another. I think that's the concern, and we can leave the board lit---we want our names to be lit up so that we can see that we voted, and then wait until everyone has voted before you light the board up to show how we voted, is that correct, Mrs. Bugbee?

PRESIDENT GRAYBILL: Well, now, the Chair is in doubt. The Chair understands that you can do that. The

Chair understands the motion now, however, is to leave the lights on by the names, and not show the running total, which is possible, until the end of the vote.

Now, there is one reason we might want to consider that, Mr. Davis. A lot of people watch their name on the board and realize they haven't voted, and you might be able to correct yourself by seeing what you did on the board, but I don't care.

Now, Mr. Toole.

DELEGATE TOOLE: Is that the sense of the motion that Mr. Davis---is that correct, Mrs. Bugbee? Did he properly repeat your motion?

DELEGATE BUGBEE: Yes.

DELEGATE TOOLE: Then I'd like to second Mrs. Bugbee's motion.

PRESIDENT GRAYBILL: Mr. Scanlin.

DELEGATE SCANLIN: I don't know what the procedure would be, but my suggestion would be that no lights be shown until the Chair says, "Is there anyone who wishes to change their vote."

PRESIDENT GRAYBILL: You mean until after the Chair says that, you---so you don't have to show that before you may decide?

Let's make it simple. Now, as I understand the motion, we're going to vote to leave the lights out until

after the ballot is closed. Is that right, Mrs. Bugbee?

She's changed her mind. First she said leave them on, but now she says leave them out.

Mrs. Bugbee, restate your motion, please.

DELEGATE BUGBEE: The intent---I would like to say, the intent of my motion, is that our votes be as independent as possible, and that they be on record at all times, but what essentially bothered me in the beginning, was that this machine---you can vote and nothing shows, and then you can tally the whole thing up.

I don't think that that is right for a Constitutional Convention. So, I don't really care, as long as they're up there.

PRESIDENT GRAYBILL: All right. Now, do you want it to show before I close the ballot?

DELEGATE: Mr. President.

PRESIDENT GRAYBILL: Marshall Murray.

DELEGATE MURRAY: If I might speak to this.

Apparently I'm going to be the Chairman---or am the Chairman of the permanent Rules Committee. Because it takes a considerable amount of the Convention's time to have this type of work done in the Committee of the Whole, I would submit that this matter be considered by the permanent Rules Committee, and we will bring an answer back to the Convention January 17th, and Mrs. Bugbee will have

an opportunity to be heard at that time.

PRESIDENT GRAYBILL: Would that be agreeable to you, Mrs. Bugbee?

(Delegate Bugbee indicated in the affirmative.)

PRESIDENT GRAYBILL: Are you going to withdraw your motion?

DELEGATE BUGBEE: Yes.

PRESIDENT GRAYBILL: All right, we've got no motions before the Floor, but we've got a promise from the Rules Committee to consider the matter. Is that okay?

All right. Now, if there's no other temporary business, I'd like to be in temporary recess for ten minutes, and I would like the new---newly appointed Administrative Committee to meet in this room.

Mr. Foster, you're on the Floor, and I won't recess until you're ready.

DELEGATE FOSTER: Well, I would have a question, and that is, what manner is going to be followed in the interim?

PRESIDENT GRAYBILL: I'll tell you what we'll do, we'll turn the lights out in the interim until after the vote is closed. Is that okay?

DELEGATE FOSTER: Okay.

PRESIDENT GRAYBILL: All right, we're in recess, and the Administrative Committee---you all know who you

are---please meet in this room over here, and we'll be back in ten minutes.

(Whereupon, there was a short recess, and the Convention reconvened at 1:30 o'clock p.m.)

PRESIDENT GRAYBILL: The Convention will be in session.

Now, before we consider the committee matters, there are two or three other small matters I'd like to take care of that have been put before the Chair, and I would recognize Vice-President Brown for a resolution.

DELEGATE BROWN: Mr. President and fellow Delegates, I rise with the support of all the officers, and we hope you will join, in wishing to congratulate Mrs. Pemberton on her forty-second wedding anniversary on this date.

PRESIDENT GRAYBILL: The Chair is delighted that you're sharing your forty-second anniversary with us, and we want to all congratulate you, Mrs. Pemberton.

All right, the Chair would recognize Mrs. Bates for an announcement.

DELEGATE BATES: Grace Bates from District 11. At this time, I'd like to move that the Constitutional Convention Commission be commended by the Constitutional Convention for the outstanding work that they have accomplished in preparing for this Convention.

PRESIDENT GRAYBILL: Mrs. Bates wants to move a commendation by this Convention to the Constitutional Convention Commission, and may I add to that, Mrs. Bates, that if it passes, we will have the staff prepare a suitable letter that would go to each member of the Commission, expressing this Convention's thanks for their work, is that all right if we put it in that form?

DELEGATE BATES: Yes.

PRESIDENT GRAYBILL: Is there any discussion on the motion? Mr. Berg.

DELEGATE BERG: Ben Berg from District 11. I simply want to join, very heartily, in that recommendation, and to say that without question, this is now the best informed Constitutional Convention ever to sit.

PRESIDENT GRAYBILL: Is there further discussion on the recommendation?

(No reply.)

If not, the Chair will put the question of sending a copy of the commendation to each member of the Constitutional Convention Commission, commending them on the outstanding work they have accomplished in preparing for this Convention. All those in favor say "Aye"...

DELEGATES: Aye.

PRESIDENT GRAYBILL: opposed "No"...

(No reply.)

The motion has carried.

Now, the Chair would like to announce, that from time to time, there has been some material distributed during this session in a haphazard manner, and I'm going to ask---and I'm sure the Rules Committee will make a rule, so that when we get back in session, someone will screen everything that goes on the desks.

Now, I've let things go on the desks this time because there was no real need. I'm not against anybody putting anything on the desks, but I think that to protect ourselves from a great disposal problem, we will have to have a committee---or someone---to look into this, and I'm not casting any expursions on anything that's been put on your desk to date because I put most of it there, but I think we do need that, I think, when we come back.

I'm making this announcement, so that you'll all realize this---even delegates---that after we come back, I hope it will be that anyone, and including delegates, will need the permission of the committee, or the President, to put things on the desks.

Now, if you want to get it, and we refuse you, I'm perfectly willing to give you the Floor, but I don't think we should just hand out everything willy nilly without thinking about it, so we'll think about that during the recess.

DELEGATE BABCOCK: Mr. Chairman.

PRESIDENT GRAYBILL: Mrs. Babcock.

DELEGATE BABCOCK: May we be off the record and out of the journal and out of the press for just a moment, please?

PRESIDENT GRAYBILL: We certainly may be off the record and out of the journal, and we'll trust the press.

(Whereupon, there was a discussion off the record.)

PRESIDENT GRAYBILL: I hope we haven't started these women on a precedent on making these wild statements so they get roses every day.

DELEGATE: Mr. President.

PRESIDENT GRAYBILL: Mr. Eskildsen.

DELEGATE ESKILDSEN: Mr. President and members of the Delegation, we the Temporary Rules Committee, would like to thank the following people for their help in expediting our work: Bartley Carson, Executive Secretary; Phyllis Baden, Parliamentarian and Dale Harris, Executive Director, and his staff. This is one of the reasons we have been able to move right along.

PRESIDENT GRAYBILL: Now, you have heard the Rules Committee's announcement, and I trust that we all join in the thanks of the Rules Committee to the staff, who have done an excellent job, and have certainly been helpful in

getting this thing moving.

Now, the Chair wants to take up, as the next matter, the Executive Directorship. Yesterday, you passed a resolution authorizing the Chair to nominate an Executive Directorship, after clearing it with this Convention.

The Chair intends to nominate Dale Harris the Executive Director of this Convention, for our period ensuing after his term with the Commission expires, about the end of December.

The Chair wishes to state that I have cleared this recommendation with all of the Vice-Presidents and the Secretary. I have also cleared the recommendation with the Administration Committee, as they will be most closely associated in working with the Executive Director, and at our recent meeting during our recess, the Administrative Committee authorized me to announce to you that they support the Chair's recommendation that Dale Harris be hired as Executive Director.

The Chair would entertain a motion to hire Dale Harris as Executive Director of this Convention. Mr. Martin.

DELEGATE MARTIN: Mr. Chairman, I so move that your recommendation for the appointment of Dale Harris be approved.

PRESIDENT GRAYBILL: Mrs. Mansfield.

DELEGATE MANSFIELD: Mr. President, Rachell Mansfield from District 14. I second it.

PRESIDENT GRAYBILL: All right. Now, it's been moved and seconded that we sustain the Chair's nomination of Mr. Harris as Executive Director of this Convention. Is there discussion upon this motion?

DELEGATES: Question.

PRESIDENT GRAYBILL: All right, if you're ready for the question, the ballot has been opened. Those in favor of retaining Mr. Harris on the staff as Executive Director vote "Aye", and those opposed vote "No".

Have all the Delegates voted? Do any of the Delegates wish to change their votes? If not, the ballot will be closed. Will the Clerk announce the tally?

SECRETARY MARSHALL: Mr. President, ninety-six Delegates have voted Aye, no Delegates have voted No.

PRESIDENT GRAYBILL: By your vote of ninety-six having voted Aye, and no Delegates voting No, you have sustained the motion, and Dale Harris will be the Executive Director of this Convention.

I will recognize Mr. Foster to find out what he wants.

DELEGATE FOSTER: Mr. President, a point of order. I understood that we were going to leave the tally off. I hate to belabor the point, but I---

PRESIDENT GRAYBILL: Mr. Clerk, can we leave the tally off, at least until I tally the ballot?

SECRETARY MARSHALL: We can leave everything off.

PRESIDENT GRAYBILL: No, just the tally lights, until I close it off. We are going to get him trained, here, about the time he leaves us, Mr. Foster.

Now, at this time, the Chair would like to consider with the Convention the appointment---committee appointments, and I want to start out by saying, let's not discuss the Chairmen and the Vice-Chairmen appointments at all, yet. This is a separate matter that I'd like to take up separately.

We put them, as I told you, all on the same page because it therefore kept the printing down. I would like to also point out, that we weren't back in session at the right time, but when we got to the Capitol print shop at five minutes to twelve, everybody had gone to lunch and we couldn't get any of this stuff printed, so that's why we had to go to the Xerox and get it done for you. We trust this won't happen after we get going later, but that happened.

So, with the understanding that I am asking you to discuss only the membership, not the officials---not the officers---the membership of the Substantive Committees. I would like to start out with a couple of words of

explanation.

First of all, I would like to say that I appreciate greatly the fact that some of you marked on your reports that you could be put on any committee, and one of you didn't turn in a blank, which I took as an indication you would work on any committee, and it was very useful to have that help.

I made a great effort to give as many people their first choice as possible, and when you consider as a Body whether you like the people that are on your committee, or the committees, I wish you would consider that there are eighty percent of you on those committees because it was your first choice. So watch out that you're not bugging the guy that put his first choice down there.

Eighty percent got first choice, twelve percent got second choice and eight percent I had to go to third choice or lower. Where I went below third choice, I tried to speak to you people personally, and you know of the situation.

The reason I had to do that, was that there were a couple of committees where you were a little thin on one's. In fact, there was one that nobody had a one on, but other than that, I have tried to balance the committees in some form between the different groups in the State, and I would say that the groupings are not all perfectly

balanced---as Mr. Eskildsen might have suggested at one time---but they're balanced pretty closely overall, and I think there is no committee---or maybe only one committee---where my group lost out and the other won in terms of shear numbers.

Third, I'd like to point out that I made no attempt to balance the committees as to women and men. I didn't consider that at all, so if you see too many women on the committee you're on, it's unintentional. I didn't intend to balance them that way.

Fourth, I made some attempt to balance geographically, but because of the committees that you people wanted to be on, and because I wanted as many as possible to serve on their first choice, there were situations where people from the same community served on the same committee, but at that time, I then tried to look and see if there were other people from fairly diverse areas in the State also on the committee, and if that were true, then we road with the fact that there were two, or maybe even in one case three---but I think that's a Procedural Committee---where there are that many from one community.

Now, with those things in mind, I would like to suggest that these committees have been checked thoroughly with Vice-President Toole on two occasions, and he and the other two Vice-Presidents and the Secretary and I have

spent three hours this morning, and we've been over every one of them with a fine tooth comb, and we've checked them all off. Nobody's on two committees, and everybody is on one committee, except me.

Now, at this time, the Chair would entertain a motion that the committees that the Chair has nominated, be approved, and that after that motion has been made, if there are objections, we will take them up individually.

DELEGATE: Mr. Chairman.

PRESIDENT GRAYBILL: Mr. Hanson.

DELEGATE HANSON: I so move. Rod Hanson, District 15.

PRESIDENT GRAYBILL: All right, the motion has been made that the committee membership selections designated by the Chair be approved.

Now, Mr. Campbell.

DELEGATE CAMPBELL: District 18. I'd just like to make a correction on the Bill of Rights Committee. My name is Bob Campbell and not Bill Campbell, and if that correction would be made third from the bottom on the Bill of Rights, I then will go ahead with the approval.

Thank you.

PRESIDENT GRAYBILL: All right. I'm sure that we'll correct that. She typed these from my rough notes, and I might have done that, Bill---Bob.

Mr. Ask---oh, excuse me. Mr. Artz.

DELEGATE ARTZ: Bill Artz, District 13. I used a fine tooth comb, too, while I've been sitting here, and I find Max Conover is on two committees, Natural Resources, Education and Public Lands.

PRESIDENT GRAYBILL: All right. Max was on Natural Resources, and he got moved to Education and Public Lands at the last minute, and if he didn't get scratched off of Natural Resources, he should be. So, find your Natural Resources sheet and strike Mr. Conover there because we moved him to Education. Is that right, Mrs. Eck?

DELEGATE ECK: Yes.

PRESIDENT GRAYBILL: Now, has anybody been unable to find their name? I think we just moved him.

All right, are there other comments on the committee appointments?

DELEGATES: Question.

PRESIDENT GRAYBILL: All right, the Chair would entertain a motion---or we have a motion that these appointments be approved. The Chair will open the ballot. Those in favor of approving the committee recommendations of the Chair for the Substantive Committees, please so indicate by voting "Aye", those opposed "Nay".

Lights off. Get those lights off, fellow. Lights and total off. They'll be throwing the ink wells at the

board here, you'd better watch it.

All right. Now, have all the Delegates voted? Does any Delegate want to change their vote? Now we'll close the vote. Now, you may turn on the lights, sir. Turn on just the tally number. Tally the vote, please.

SECRETARY MARSHALL: Mr. President, ninety-six Delegates have voted Aye, none voting No.

PRESIDENT GRAYBILL: Ninety-six Delegates having voted Aye and none having voted No, you have then approved the committee appointments that the Chair has made to the Substantive Committees.

DELEGATE: Mr. Chairman, I rise to a point of order. This amounts to a secret ballot, and we voted against a secret ballot.

PRESIDENT GRAYBILL: Well, this one wasn't secret since it was unanimous, but next time we'll try and do something about it. Let's see. Let's leave the lights beside the names on until the Rules Committee---

DELEGATE: Right.

PRESIDENT GRAYBILL: You were right, Walter, and Mr. Foster, go with me until the end of the day, will you?

DELEGATE FOSTER: That's what I intended. Just not the tally.

PRESIDENT GRAYBILL: Okay. Now we want the tally off. Thank God you voted unanimously, or I wouldn't have

been able to save the day.

All right. Now, let's consider the next matter which the Chair would like to put to you, namely, the appointment of the committee Chairmen, and I would like to tell you, that in appointing the committee Chairmen, the Chair was mindful of the following things.

First of all, I tried to appoint someone as Chairman and Vice-Chairman who I felt would assume a leadership role and would try to do something in the committees.

Secondly, I think probably the most important thing I tried to do, was to get, where possible---and this isn't true on all the committees, but it's true on some---the Chairmen and the Vice-Chairmen to represent different points of view, as I at this time know their points of view.

It is the Chair's position that as much of the discussion, argument and verbal warfare on the issues be handled in the committee, and I want someone in that committee who can handle both sides, and I want somebody free and willing to make minority reports, if they need to, so I have tried to, in some of the controversial cases, to balance this committee by putting people that I know the positions of, on as Chairmen and Vice-Chairmen, where they're opposite.

Now, after I had done that, I had to deal with this

matter of the groups---notice, I haven't spent any of my money yet---I tried to balance this matter of the groups, and for your information, the group of which I am a member has, in the Substantive Committees, six Chairmen, and the other group three Chairmen, and the non-group one Chairman. And, if you look at it from the point of view of all of the committees, including the Rules and so forth, then the total becomes seven for my group, six for the other group and one for the non-group, so it's pretty even, after you get the non-group in there and the other group together.

Now, the third thing I did, it became necessary on one or two committees, which shall remain nameless, to move people who did not have a first choice into a committee assignment because, as I told you, there is one committee that nobody had a first choice for, and so both the Chairman and the Vice-Chairman on that committee had to be moved from their first choice, but I had to find someone that could lead those committees adequately, and so I did that.

Other than that, I then balanced which was the Chairman and which was the Vice-Chairman largely as a matter of judgment, and we can certainly talk about that.

Now, these committee Chairmen and Vice-Chairmen nominees---or nominations---have all been cleared with

Vice-President Toole, and they've all been cleared with the other Vice-Presidents and with the Secretary this morning. We went over all of them and, in fact, we made some changes.

Now, I have one other matter that I must speak to. I want to take the full blame on this. On the Judiciary Committee, some of you may have gotten a sheet that shows my dear friend, Cedor Aronow, as Chairman, and the designation should be Dave Holland as Chairman. Now, I don't know if that's up yet and distributed, but if it is, destroy the one that shows Cedor Aronow as Chairman.

Now, I have spoken to both of these gentlemen about it, and there is no problem there, but the problem is that I initially put Cedor's name down yesterday in my notes, and then in talking with the Vice-President and in considering it, I changed it and I handed the secretary the notes incorrectly, and she typed up what I told her to, but it was wrong.

So, the Vice-Chairman---or the Chairman of the Judiciary, that I am proposing, is Dave Holland, and the Vice-Chairman is Catherine Pemberton, and Cedor understands that, and is not concerned, and neither is Mr. Holland, and I don't believe Mrs. Pemberton is, although I haven't asked her about that.

But, in any event, that's the change, and if you

have the wrong sheet, I want you to be clear on that.

Now, with that background, the Chair would entertain a motion that the nominees the Chair has made for Chairmen and Vice-Chairmen, be accepted by this Convention, and when that nomination is made, we can then discuss any individual ones you want to talk about. Mr. Cate.

DELEGATE CATE: I move that the appointment of the committee Chairmen and Vice-Chairmen by the Chair be confirmed by this Committee.

PRESIDENT GRAYBILL: Very well. The motion has been made that the Chair's nominations be confirmed. Now, is there discussion?

DELEGATES: Question.

PRESIDENT GRAYBILL: Very well. The Chair will open the ballot on the issue of approving the nominations for Chairmen and Vice-Chairmen of the Substantive Committees as made by the President. All in favor vote "Aye", opposed "Nay".

Have all the Delegates voted? Is there any Delegates that wish to change their votes? Very well, the Chair will close the ballot, and would you please announce the tally?

SECRETARY MARSHALL: Mr. President, ninety-eight Delegates have voted Aye, none vote No. Okay, Mr. Foster?

PRESIDENT GRAYBILL: Never mind the comment, Mr.

Marshall.

All right. By your action of voting ninety-eight Ayes and zero No's, you have sustained the motion, and those Chairmen are hereby appointed and those Vice-Chairmen are hereby appointed.

Now, the Chair would recognize Mr. Murray to make a report of the Rules Committee, and the Pages had better get it distributed. It's up here on the corner of the desk.

DELEGATE MURRAY: Mr. President, in the material to be distributed, which is the Temporary Rules Committee report, we have talked on Rule 12, which has not been adopted by this Convention, and I move it's adoption at this time, and it reads as follows:

The House of Representatives Chambers in the Capitol, Helena, Montana, shall be designated Convention Hall during the Montana Constitutional Convention.

PRESIDENT GRAYBILL: All right, you have heard the motion. The Rules Committee Chairman has added one more rule, and it is that we designate this place Convention Hall for the balance of the Convention. Is there any discussion of this motion? Mr. Choate.

DELEGATE CHOATE: I would like to move for the adoption of this motion.

PRESIDENT GRAYBILL: Is there any further discussion

of this motion?

DELEGATES: Question.

PRESIDENT GRAYBILL: Question. The Chair will open the ballot. All in favor of designating this place Convention Hall vote "Aye", all those opposed vote "No".

Have all the Delegates voted? Any Delegate want to change his vote? The ballot is closed. Please announce the tally.

SECRETARY MARSHALL: Mr. President, ninety-seven Delegates have voted Aye, none voting No.

PRESIDENT GRAYBILL: By voting ninety-seven Ayes and none No, you have adopted the motion.

Now, most of you have before you the Rules Committee's report. Mr. Marshall---or Mr. Murray.

DELEGATE MURRAY: Mr. President, we the Temporary Committee on Rules of Organization, appointed pursuant to a motion of the Convention, having completed our task, submit herewith a copy of all rules adopted during the organizational session of the Convention, and ask to be discharged.

PRESIDENT GRAYBILL: It is the sense of Mr. Murray's motion, that the Temporary Rules Committee---whose report you now have before you---be discharged upon the formal acceptance of their report with the understanding, of course, that the new Rules Committee will take

over for the second session.

Mr. Murray.

DELEGATE MURRAY: I might say, Mr. President, that we make this report in accordance with the suggestion proposed by Mr. Nutting, which was withdrawn, but he did make a request that we do report in full and that we be discharged, and this is the reason we are making the report.

PRESIDENT GRAYBILL: Right. I haven't got a copy before me, but I think it summarizes what you have done, doesn't it?

DELEGATE MURRAY: Yes, sir.

PRESIDENT GRAYBILL: Yes. This is all of the rules, in written form, that we have adopted by the Rules Committee, we having just adopted Rule 12 a moment ago.

First of all, discussion on adopting the total report of the Temporary Rules Committee. Is there any discussion on that matter?

(No reply.)

If not, we will vote on that matter. All those in favor of adopting the Rules Committee report, vote on the machine "Aye", and those opposed "No".

Have all the Delegates voted? Does anyone want to change their vote? The ballot is closed. Will you announce the tally?

SECRETARY MARSHALL: Mr. President, ninety-four Delegates have voted Aye, none voting No.

PRESIDENT GRAYBILL: Ninety-four having voted Aye and none No, the report is adopted.

Now then on Mr. Murray's second part of the motion, namely, that the Temporary Rules Committee be discharged, and I would add from the Chair, a vote of thanks from the Chair and the Convention.

Are you ready for the question on that?

DELEGATES: Question.

PRESIDENT GRAYBILL: The ballot is open. All in favor of discharging the Temporary Rules Committee vote "Aye", and those opposed "No".

Have all the Delegates voted? Anyone want to change their vote? Would you please announce the tally?

SECRETARY MARSHALL: Mr. President, ninety-seven Delegates have voted Aye, none voting No.

PRESIDENT GRAYBILL: Ninety-seven Delegates having voted Aye and none No, the Committee is discharged.

Let's stand at east just a moment.

Delegates, may I have your attention. Because they are going to move some carpet, or work on the carpet and do some other things in the interim between now and January 17th, I would ask to have you leave your keys to your desks---that they so carefully gave us---before you

go away, and the easiest thing to do, is to leave them in your desk. Put it in your desk drawer---your keys to the desks.

Mr. Habedank.

DELEGATE HABEDANK: Otto Habedank, District 3. I would like to inquire for information. Are these reports different from the ones we have already had sent to us, or duplicates?

PRESIDENT GRAYBILL: They are different, unless somebody's been smuggling them to you ahead of us, Otto.

Yes. I should also announce that the staff has put on your desk, a group of reports, which supplement the ones already given. It's my understanding we will receive another group of substantive reports sometime between Christmas and New Years, or about that time, is that right, Dale?

MR. HARRIS: Yes.

PRESIDENT GRAYBILL: Yes, there is one more big batch of substantive reports to come later. Fortunately, now that you're all on committees, you can throw most of that aside and only read those which you have to know about.

Mrs. Reichert.

DELEGATE REICHERT: Mr. President, Arlyne Reichert, District 13. You have done a masterful job in conducting

this Convention, and I made an observation today which pleased me very much. When you called on the Delegates to speak, you called them by name, and you refrained from saying district such and such, or county such and such, and we've been requested to identify ourselves by saying "District 13".

I feel that my fellow Delegates share these sentiments with me, that we are representing not only our districts, but all the people in Montana, and I would hope that when we meet again in January, we could identify ourselves solely with our name.

PRESIDENT GRAYBILL: I think that's an excellent suggestion. I think the secretary is now more familiar with you, and we will probably be able to do that, and I'll try to do that. Certainly those of us from District 13 would like to get rid of our District---number.

Now, at this time, I would like to thank the Pages who have served us during the organizational session. They are all honor students from Helena Senior High School: Bruce Berwick, George Mergott, Carl Quist and Ward Leslie Tucker, Susan Leaphart. I think we should give a hand to the Pages.

Mr. Kamhoot.

DELEGATE KAMHOOT: Mr. President, Art Kamhoot from District 6. Before we leave, I thought it appropriate that

I open this mike at least once.

I think this has been the least used microphone in the place. I think my seatmate has used it once during the three days of the Convention, and I just wanted you to know, Leo, that I feel you're doing a very fine job, and that I am here, and the mike does work, and at a later date, I may want to use it.

PRESIDENT GRAYBILL: I'll keep watching for you.

All right, you ladies may go first. Mrs. Bugbee.

DELEGATE BUGBEE: Thank you. I understand that last night Mae Nan's mother died and this is why she's not here, and I would appreciate it very much if we could have a letter or a telegram sent to her from the Convention. I think she would really appreciate it.

PRESIDENT GRAYBILL: Mrs. Bugbee may be correct. I know that Mrs. Robinson is not here today because her mother is, at least, seriously ill. I don't know whether she has died or not, and she left in the middle of the night to go by plane to Texas. We have excused her on the roll.

Now, Mrs. Speer, do you know all about that?

DELEGATE SPEER: I talked with her at 11:30, and she said she had the message that she was to come, that her mother was very low, but she will inform us in Missoula in a day or so.

PRESIDENT GRAYBILL: Right. In any event, the President has written a letter to her to her home, telling her that she is excused and offering condolences, and if the group would like, I would have the staff write another letter on behalf of the Convention, to that effect. Would you like to do that, Mrs. Speer?

DELEGATE SPEER: Well, Mr. President, her mail in Missoula is being held at the post office and not forwarded to her. I have her Texas address, if you would like to have it.

PRESIDENT GRAYBILL: Would you please give the staff---Mrs. Fontana, especially---that address before you leave?

DELEGATE SPEER: I will, and I move that this message be sent.

PRESIDENT GRAYBILL: You move that. All right, the motion has been made that we send an expression of regrets to Mrs. Robinson, who is absent this morning because of an illness in her family. Is there discussion on the motion?

(No reply.)

All right, all in favor of the motion say "Aye"...

DELEGATES: Aye.

PRESIDENT GRAYBILL: all opposed "No"...

(No reply.)

Fine. We will have the staff do that for the Convention.

Now, Mr. Simon.

DELEGATE SIMON: I'm Clark Simon from District 8, Billings, Montana. I suppose all of you know, I've been quite quiet while I have been here, but I do want to practice a little on the microphone here.

I would like to say, before I go home, that I would like to wish all of you a Merry Christmas. There's been a spirit of fellowship here that I've never seen in any Convention I have ever attended, and I believe that what we do here in this Convention, and how we act, and the document we produce, will be the way that we are going to sell whatever we produce to the people of Montana. If you figure out that each one of us one hundred Delegates represent all the people in Montana, that each one of us has about seven thousand that are looking at us---seven hundred thousand looking at all of us.

Being an old farmer, I think I might say that we baled a lot of hay the last few days, a lot of it's good Montana timothy, and a great deal of it's been clover. I want to thank all of you for the kindness you have shown me while I've been here.

PRESIDENT GRAYBILL: Thank you very much, Mr. Simon.

Now, if you will get a pencil out, the Chair will make an announcement concerning committees.

We would like the Procedural Committees to definitely meet, and I would say that maybe they should meet---except the Administrative Committee---the other three Procedural Committees should meet first.

We're only going to need you for about five minutes, but we need to tell these committees one or two things, and then I'll also tell you a place where you can meet with your Substantive Committees, but since there are people on both, they should perhaps meet slightly later, and then after committees have met---and I don't even care if your Chairmen do anything---but if you want to meet your Chairmen and shake his hand, he will be at these locations, let's put it that way.

Now, the Administrative Committee will meet in Room 434, but it would not need to meet, I would think, until say 2:30 because we have got some real work to do yet this afternoon.

The Rules and Resolutions Committee will meet in Room 431 immediately upon adjournment. The Public Information Committee will meet in Room 343---if that's what that says---343 immediately upon adjournment. The Style, Drafting and Transition Committee will meet in the Senate immediately upon adjournment, and in each of those

committees, Dale and I would like, just for one short sentence, to mention something to you, and then your Chairmen can do as you please.

Then the rest of the Substantive Committees, which can meet immediately following that, or in about fifteen minutes, will be the Bill of Rights Committee in Room 434. the Legislature Committee in the Senate. The Executive Committee in the front of the House up here. The Judiciary Committee in Room 431---now the Rules will be in there first, but as soon as they're out of there. The Local Government Committee in 410. The Revenue and Finance Committee in 402. The Education Committee in 428A. The Public Health, Welfare and Labor Committee in 343. The Natural Resources Committee and Agriculture Committee in 421B, and the General Government and Constitutional Amendment Committee in the back of the House.

Do any of you wish your committee assignment repeated? Natural Resources is 428B.

Did anybody else miss and---

Now, as far as the Substantive Committees are concerned, we have no real reason that you should meet, but if you want to meet the Chairman, or the Chairman wants to talk with a few of his members and decide what you want to do, that's fine with us. We just wanted you to have a place to go.

Mr. Geisler.

DELEGATE GEISLER: Mr. Chairman, you gave us two different room numbers, 421B and 428B.

PRESIDENT GRAYBILL: Yes, I gave you the wrong number because I couldn't read his writing. It's 428B.

(Whereupon, the various Committee Chairmen announced the times that they would like to meet with their committees.)

PRESIDENT GRAYBILL: Are there other announcements?

Mrs. Eck.

DELEGATE ECK: There have been a number of people who have indicated an interest in having our children, or others, come here as Pages, and there has been some interest in other employment. If you would leave your name or written application in the office, or send one in later when you have some information, then we'd have them on file, and they would know how to handle it.

PRESIDENT GRAYBILL: That's an excellent suggestion, and for all of you who have people asking you about jobs that you do not know about, or can't answer, please merely inform them that if they give the Constitutional Convention office the information, fill out an application, that the Administration Committee will, in due course, consider them and can use them or not, as they please. We

will screen you that way, and if you want to make recommendations, we'd be delighted to have them, but the way we do it, is to get your people's names on an application in the office.

Now, Mrs. Cross.

DELEGATE CROSS: I would just like to make the announcement that any lady who would like a copy of the photo that was taken yesterday, stop at Karen Nyberg's office and pick out the one you want.

PRESIDENT GRAYBILL: Mr. Harbaugh.

DELEGATE HARBAUGH: Mr. President, my Chairman is temporarily out of here, but I would like to call a meeting of the General Government and Constitutional Amendment in the back of the House at 1:30.

PRESIDENT GRAYBILL: Are there other announcements? Mr. Schiltz---no, Siderius.

DELEGATE SIDERIUS: Mr. Chairman, just a point of information. About these Pages, now, are we going to hire them for the whole session, or are we going to hire them for two weeks at a time?

PRESIDENT GRAYBILL: The Administration Committee will consider that this afternoon, but there is a recommendation going to be made that they be hired for two-week periods, to give more of them a chance, and that might give you something to say to people who want to be Pages.

Mrs. Cross.

DELEGATE CROSS: Mr. President, the Natural Resources Committee will meet immediately after adjournment here in Room 428B.

PRESIDENT GRAYBILL: All right, any other announcements? Mr. Blaylock.

DELEGATE BLAYLOCK: Mr. Chairman, I'd just like to express a little sense of disappointment here. Mrs. Cross referred to the picture that was taken of the ladies yesterday, and somebody promised they were going to take a picture of all of us guys with no hair, and they didn't do it.

PRESIDENT GRAYBILL: Well, I think the reason was, that they were shorter than you, and they saw a little.

Mr. Monroe.

DELEGATE MONROE: Somebody just reminded me that the pictures, I guess, are going to be ready to be picked up before we go home, and I have another announcement. I'm having some literature photocopied. I had a hundred copies of some information that was in regard to the North Dakota State Constitutional Convention, which is now in the process, and you might check in the office before you leave and see if that is photocopied. If not, I can mail it to you.

Another suggestion that I have, is that an historic

event is going to take place tomorrow, or an anniversary of an historic event, and that is that on December 2, 1823, one hundred and forty-eight years ago, President Munroe gave life to the Munroe Doctrine, declaring that Latin America would determine its own future; and in that same vein, I think that us in Montana here might have a Munroe Doctrine.

I don't claim any heritage from President Munroe, or any presidential stature, but I'm suggesting to you a statement along the same vein, that we determine our own future and, of course, this is what we are here to do. I'm suggesting that you, as we go home to our home communities, this particular motto or slogan, or statement or doctrine---or whatever you might want to call it---and that is this:

"Montana's destiny depends on our involved citizenry today."

PRESIDENT GRAYBILL: That's the Lyle Monroe Doctrine that you've just heard. All right. Thank you, Lyle.

Mr. Jacobsen.

DELEGATE JACOBSEN: Mr. President and fellow Delegates, I'm Arnold Jacobsen from Whitefish. I found in the materials that we received before, and while we were campaigning, one particular document that was more readable,

understandable and one fine piece of literature and, in public, I would like to thank Lucille Speer for the tremendous job she did in putting out the one informative booklet.

PRESIDENT GRAYBILL: Mrs. Speer, that round of applause obviously shows that we all appreciated and approved of your work, and we thank you for it and for the impact it has had on the public, which I think has been great.

Mr. Aasheim.

DELEGATE AASHEIM: I don't suppose you can answer this question now, but I wonder when it will be determined when we reconvene on January 17th, are we going to be in continuous session until we get our job done because it's a matter of housing, and I wondered when we can know, if you have any answer to that.

PRESIDENT GRAYBILL: I haven't any idea, but I would presume we would be in session for quite a while, and then after we get started, we'll have to see how it goes along.

I have no feeling, and I'm sure that---I don't know whether that would be the Rules Committee, or who, but I will consider it. I think you ought to plan to come and stay for a while, anyway, because we have to get our feet wet on these, and get all the facts together that we can.

Mr. Aasheim, in a couple of the speeches I heard, they expressed the view that we ought to at least get material together and get some form of work out of the committees before you would ever go back, even if we did have a recess, so count on a considerable session, and whether we'll have the whole sixty-eight or seventy-four days at once, I don't know. I'm sorry I can't do a better job of answering Mags, but go ahead. Rent it.

Mr. Loendorf.

DELEGATE LOENDORF: Mr. Chairman, Jerry Loendorf. Along those same lines, I would like to suggest that perhaps the Administration Committee can make an estimate of what the cost of this Convention will be on a daily basis and perhaps make that available the first week in January, and we'll know how long we'll be in session with pay, and I would suspect that we would probably be working without pay for some time, also, and along those lines, I would suggest that the committees, during the next forty-five days, attempt to do some work and keep in communication, so we come here prepared, and this will perhaps speed up the work somewhat, also.

PRESIDENT GRAYBILL: Thank you very much, and one of the items the Administration Committee is going to take up today after the session, is budgeting, so we'll do that.

Mrs. Van Buskirk.

DELEGATE VAN BUSKIRK: Edith Van Buskirk, District 14. During our working hours and during our social hours, I have found this to be a very congenial group, and I am happy to be one of its members.

PRESIDENT GRAYBILL: There is a seatmate for you, Mr. Drum.

All right, other announcements?

DELEGATE DRUM: Mr. President, I feel like I have died and gone to heaven where I am.

PRESIDENT GRAYBILL: All right. If there are no other announcements, I'm going to recognize Marshall Murray for an important motion.

DELEGATE MARSHALL: Mr. President, before I make that motion, the First Vice-President, John Toole, has something he would like to say.

DELEGATE TOOLE: Mr. President and members of the Convention. For the past three days, I have had the privilege of working with your President, and I have worked in many organizations, and I must say that this was one of the finest, one of the fairest and one of the most efficient organization's leadership that I have ever been privileged to work with.

Your President has stayed up all night. He has come to us in the morning with proposals, some of which we

agreed with, some of which we did not. There was no table pounding. The Vice-Presidents pushed their ideas, they were accepted by the President. I don't believe that I have ever experienced working with an organization with this kind of leadership before in my life.

My group, the minority group that I represent, has no cause to complain. The six-member minority group has no cause to complain. The ladies have no cause to complain. Members of the Convention, you have elected a great President.

Thank you very much.

PRESIDENT GRAYBILL: Well, I want to thank you all very much, and I hope that we, together, have done something that will get a good spirit to start this, and I think we'll work much better when we get back because of it, and I deeply appreciate, Mr. Toole, your sentiments.

If I were to amend it at all, it would be by adding, when you said "stayed up all night", the word "working" after that, so it would be clear to everybody what I was doing.

All right. Mr. Murray.

DELEGATE MURRAY: Mr. President, the paychecks will be mailed, but the expense checks and the mileage are available at the Auditor's Office, and I move, in accordance with the provisions of Section 7---Section 6 of

the Enabling Act that the Montana Constitutional Convention adjourn until 10:00 o'clock a.m., Monday, January 17, 1972, and then to assemble in plenary session in these Chambers, now known as Convention Hall.

PRESIDENT GRAYBILL: You have heard the motion to adjourn until January 17th at 10:00 a.m., 1972. The ballot is open. All those Delegates in favor of the motion vote "Aye", those opposed vote "No".

Have all the Delegates voted? Anyone want to change their vote? The ballot is closed. Will you please announce the ballot?

SECRETARY MARSHALL: Ninety-six Delegates have voted Aye, none voting No.

PRESIDENT GRAYBILL: Ninety-six Delegates having voted Aye, this Convention is now recessed---or adjourned.

(Whereupon, at 2:45 o'clock p.m., the Convention was adjourned until 10:00 o'clock a.m., January 17, 1972.)

C E R T I F I C A T E

STATE OF MONTANA)
) ss.
COUNTY OF LEWIS & CLARK)

I, VIRGINIA WATERMAN, Official Reporter in and for the State of Montana, do hereby swear that I did take down in shorthand the proceedings of the opening session of the Constitutional Convention and that the same was transcribed by me personally and that it is a true and accurate transcript, to the best of my ability, of the proceedings had.

IN WITNESS WHEREOF, I have hereunto affixed my signature this 21st day of December, 1971.

Virginia Waterman
Official Reporter